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THE
AMERICAN
ANNUAL REGISTER;
FOR
THE YEAR 1829—30,

OR THE
FIFTYFOURTH YEAR OF AMERICAN INDEPENDENCE.

SECOND EDITION.



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AMERICAN ANNUAL REGISTER,

FOR

THE YEARS 1829 — 1830.

HISTORY OF THE UNITED STATES.

CHAPTER I.

Inauguration of General Jackson. — State of Affairs. — Political Principles of President. — New Cabinet. — Removals. — Opposition in Senate. — Post Office Department. — Dissentions in the Cabinet. — Controversy between the President and Vice President. — Cause and Consequence thereof.

ON the 4th of March, 1829, in the presence of the Senate, the members of the House of Representatives and a vast concourse of people, General Andrew Jackson took the oath of office and entered upon the administration of the government of the United States.

A long train of fortunate events had prepared his way for a happy and prosperous career in his new character as a Civil Magistrate. His military success at a peculiar crisis had given him a strong claim upon the country, and the energy, decision and self-devotion manifested in various trying emergencies had obtained for him a large share of the public confidence.

Nor was the aspect of the political atmosphere less propitious. The administration of his predecessor had been arrested by the popular will in the midst of its career, before the merits or demerits of its policy had been fully tested, and with so decided an expression of public feeling against its continuance, as to leave its members no ability and apparently little inclination to offer an early opposition to the new Executive. The community was tired of political warfare, and a general disposition was evinced to give the measures of the administration a fair trial. Some uncertainty of course existed as to the policy which the new President

might feel bound to adopt. His political experience had not been great, and the inferences which the public had drawn as to his principles from his declarations and votes when in the federal Senate, had been rendered somewhat uncertain by the contradictory assertions made by his supporters in different sections of the Union and by the decided political character of that portion of his adherents, who had been ranked in the previous contest among the friends of the late Secretary of the Treasury (Mr Crawford.) That class of public men was regarded as contending for a strict, or what was denominated a narrow, construction of the Federal Constitution, and their support was given to him upon principles of opposition to the policy that governed the administration of Mr Monroe. All the other candidates in that contest were sustained upon a contrary principle. The construction given to the Federal Constitution, by which Congress was deemed to be empowered to protect domestic manufactures, to appropriate moneys for works of internal improvement, to create a United States Bank, and generally to regulate and control all affairs strictly national, had become the settled policy of the country. Strong objections were still urged to this construction, by the Representatives from the Southern States, and by some of the leading friends of Mr Crawford in other sections of the Union. But it had been too long and too generally acquiesced in to permit the hope of a successful appeal to public opinion in behalf of can-

didates offered upon principles of opposition to that construction. All the candidates consequently were understood to be in favor of that construction. Mr Calhoun was an early and ardent advocate of that principle, and had efficiently contributed when in Congress and also while in the Cabinet to the adoption of the principal measures, which had provoked the hostility of those who contended for a literal construction of the constitution. Mr Clay had long been distinguished as the eloquent and uncompromising supporter of the American System, a system whose characteristic features were the protection of domestic industry and a liberal application of the public treasure to purposes of internal improvement. Mr Adams at an early period of his political life had manifested his attachment to the cause of internal improvement, and he made no secret of his opinions concerning the powers of Congress in all matters of national concern. — General Jackson had not occupied so conspicuous a station in political life; but while in the United States Senate he had been no less decided in his opinions on the long disputed question as to the constructive powers of Congress. During this short term of service the following bills providing for internal improvement came under consideration: 1st. A Bill authorizing a road from Memphis in Tennessee to Little Rock in Arkansas. 2d. A Bill for making certain roads in Florida. 3d. A Bill to procure necessary surveys for roads and canals. 4th. A Bill to improve the navigation of the Mis-

Mississippi, Ohio and Missouri. 5th. A Bill for making a road in Missouri. 6th. A Bill to subscribe to the stock in the Chesapeake and Delaware Canal Company. 7th. A Bill to extend the Cumberland road to Zanesville. 8th. A Bill authorizing a subscription to the Portland and Louisville Canal Company. On the passage of all these bills, General Jackson's name was recorded in the affirmative; and his vote in favor of the tariff of 1824, a tariff which was founded on the principle of protection, afforded sufficient evidence that his opinions accorded rather with those of Mr Adams, Clay and Calhoun, than with those of the supporters of Mr Crawford.

In the presidential contest of 1824, therefore, the friends of the Secretary of the Treasury stood alone in the attitude of opposition to the established policy of the country. The supporters of the other candidates indeed had their personal preferences, but in point of principle there was no essential difference between them. At an early period of the canvass the Secretary of War (Mr Calhoun) was withdrawn by his friends in Pennsylvania, who, yielding to the popular feeling of the State, fell in to the support of General Jackson. This example was followed by his adherents throughout the Union, with some few exceptions, and they mainly contributed to the sudden and rapid augmentation of the strength of General Jackson during that canvass.

In this transfer of support, however, no sacrifice of principle was supposed to have been made. It

was merely relinquishing a personal preference under the pressure of circumstances, and the election of General Jackson, equally with that of Mr Adams, would then have been regarded as a pledge to the country of the continuance of the policy of the preceding administration. Mr Clay's principles were similar; but from the ardor of his character, his fearless disregard of consequences and his avowed opinions in behalf of the American System, and on the subject of South American independence, apprehensions were entertained that he would not sacrifice enough to expediency, but would follow those opinions out to their legitimate consequences. Hence it was obvious that no sacrifice of principle was involved in the support, indifferently, of any of these candidates who stood on a common ground of policy. Mr Crawford alone was supported upon opposite principles, and as it was manifest that in such a contest his weakness would be evinced, an attempt was made to represent him as the only orthodox republican candidate, and to nominate him as such to the suffrages of the nation through a caucus of the members of Congress assembled at Washington. The attempt totally failed. It was regarded by a great majority of the people as an unauthorized interference with their constitutional privileges, and it terminated in the caucus candidate's being brought by the votes of Virginia and Georgia and a few scattered votes from New York and Delaware, into the House of Representatives as the

lowest of the three candidates, from which the President was to be chosen. Here the choice fell upon Mr Adams, and from the moment of his election the partisans of the unsuccessful candidates united in opposition, either avowed or secret, to his administration. Those who had originally advocated the claims of General Jackson found a sufficient motive to opposition in the defeat of their favorite, whose election they asserted was demanded by the people. That reason however could not be urged by the friends of the caucus candidate, who had been zealously sustained to the last, in spite of ill health, although the result in the electoral colleges had demonstrated that he had but a slight hold upon the public favor. Indeed the entire failure of this party in their election plainly indicated the unpopularity of its political creed, and at the commencement of Mr Adams' administration it held itself aloof and apparently uncommitted as to its future course. The candidate who was boldly taken up as the opposition candidate, had evinced as latitudinarian sentiments concerning the powers of Congress as his successful rival, and to come in to his support would be to abjure those political doctrines which were deemed so essential to the independence of the States.

The political principles of the party already organized, therefore, were as heterodox as those of the existing Cabinet, and any combination which might take place must be founded upon the sacrifice of principle by one of the

sections of the opposition. This discordance in its materials prevented any harmonious concert of action at the first session of the nineteenth Congress; but during the vacation and the succeeding session, great efforts were made to promote a closer union between the different sections of the opposition, and before the adjournment it had assumed a consistent shape. The first public intimation of this union was given by a leading opposition member from Virginia, who shortly before the close of the second session of the 19th Congress, announced, that the combinations for effecting the election of General Jackson were nearly completed. Shortly before this public declaration, an intimation almost equally distinct of future opposition, was given by one of the most prominent leaders of the caucus party in a letter to the Legislature of New York, expressing his acknowledgments for his re-election to the federal Senate. In this letter he promises zealously to exert himself to protect the remaining rights reserved to the States and to restore those of which they had been divested by construction.

Other indications, which could not be mistaken, were given of the intention of the caucus party to join the opposition, and that one of the main grounds of opposition would be, that certain powers which the Federal Government had habitually exercised were unauthorized by the Constitution and that they ought no longer to be submitted to. It had been a favorite doctrine of the Virginia

school of politics, that the powers of the General Government had been extended beyond their constitutional limits, and the dispute between the federal authorities and those of Georgia in relation to the Creek treaty, had rendered it convenient for that State to contend most earnestly for the same construction of the Constitution. A most intimate connexion had been cultivated between the politicians of this school and the leading supporters of Mr Crawford in New York, who inclined to the same construction of the Constitution, and who were not much behind their southern coadjutors in declaring their determination to favor the election of General Jackson. This determination of the opposition to combine in his support, induced much speculation as to the nature of the pledges, which were said to have been given as to his political course, and it was boldly predicted, that an opposition so constituted, could not continue united after the government should fall into its hands, without a complete sacrifice of principle by one of the sections of the combined party.

The President would of course be compelled to adopt the literal construction of the Constitution or to pursue the policy marked out by his predecessors. During the pendency of the election, the public might be left in doubt. Such as were inclined to promote his elevation in the north and west could justify their preference, by appealing to his votes when in the Senate in favor of the Tariff and Internal improvement, while his supporters in the South

could be equally zealous, either relying upon a more intimate acquaintance with his opinions, or upon those measures which his character as a candidate, sustained upon the principle of reform, should compel him to adopt in case of success. But after his inauguration he must decide between these conflicting pretensions, and this decision would compel those to whom that decision should prove unpalatable to decide in their turn between the abandonment of their political party or their principles. This very position properly viewed was but another of the fortunate circumstances in which the successful competitor for the Chief Magistracy found himself placed at the time of his elevation. Chosen by an unparalleled majority of the electoral votes, he owed his success to his own popularity. Generally sanctioning the policy under which our national institutions had been built up, he was at liberty to review his opinions and to establish them upon incontrovertible and immutable grounds. His administration was not bound to persist in any particular measures which experience had proved to be inexpedient; but claiming as it did to be constituted upon the basis of reform, it was able to modify the existing policy, and to carry out its principles under all the advantages offered by the lights of experience and the development of public opinion. Equally uncommitted was he respecting the parties, which had formerly distracted the country. His advice to Mr Monroe in 1816 to

discard all party feelings, and to remember, that as Chief Magistrate he acted for the whole, and not for a part of the community. — sentiments which did equal honor to his head and his heart, and which he reiterated as his settled opinion in 1824, left him free to call to his councils the ablest and most virtuous men of the nation, without regard to the party denominations by which they had been previously distinguished. Under these fortunate circumstances General Jackson assumed the Executive Government on the fourth of March, 1829, with a surplus of more than five millions of dollars in the national treasury, the country respected abroad, at peace with all the world, and in a state of unexampled and progressive domestic prosperity.

After taking the oath of office he delivered according to the custom of his predecessors an inaugural address setting forth the principles upon which he intended to administer the government. That address is as follows: —

‘FELLOW CITIZENS: About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities

to their service and their good. As the instrument of the Federal Constitution, it will devolve on me, for a stated period, to execute the laws of the United States; to superintend their foreign and their confederate relations; to manage their revenue; to command their forces; and, by communications to the Legislature, to watch over, and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

‘In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship, on fair and honorable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

‘In such measures as I may be called on to pursue, in regard to the rights of the separate States, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves with those they have granted to the confederacy.

‘The management of the public revenue — that searching operation in all Governments — is among the most delicate and im-

portant trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the National Debt — the unnecessary duration of which is incompatible with real independence — and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of Congress, for the specific appropriation of public money and the prompt accountability of public officers.

‘With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the Constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

‘Internal Improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

‘Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience, which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dock yards, and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than for enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable *ægis*. Partial injuries, and occasional mortifications, we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

‘It will be my sincere and con-

stant desire to observe towards the Indian tribes within our limits, a just and liberal policy ; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government, and the feelings of our people.

‘The recent demonstration of public sentiment inscribes, on the list of Executive duties, in characters too legible to be overlooked, the task of *reform* ; which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued power in, unfaithful or incompetent hands.

‘In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful co-operation, depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

‘A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the Government, and for the indulgence and support of my fellow citizens

generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction.’

The Senate, which had been summoned by his predecessor (Mr Adams) to meet on the fourth of March, after attending the inauguration, adjourned to the next day for the purpose of transacting such business as might be laid before it. In selecting the members of his Cabinet, General Jackson was compelled to afford some indications as to his future course, and no small anxiety was evinced to discover upon whom his choice might fall. So much had been said as to the ability of the confidential advisers he would call around him, and so many men of undoubted talents were to be found among his supporters, that it was generally anticipated, that his Cabinet would not be inferior to the ablest of his predecessors. All speculations, however, were now to be brought to the test of fact, and the political character of his Cabinet as well as the talent and experience of his future advisers were no longer matter of doubt, when the following names were nominated to the Senate —

MARTIN VAN BUREN, Secretary of State.

SAM'L. D. INGHAM, Secretary of the Treasury.

JOHN H. EATON, Secretary of War.

JOHN BRANCH, Secretary of the Navy.

JOHN MCPHERSON BERRIEN, Attorney General.

The Secretary of State had been a leading supporter of Mr Crawford, and had been distinguished among that class of politicians, both for activity and controlling influence. After he had determined upon supporting the election of General Jackson, he was equally efficient in promoting his views, and from his political influence and services, as well as on account of the importance and power of the State to which he belonged, it was generally expected, that his claims would not be overlooked in the formation of the Cabinet.

Mr Van Buren was a self-made man, and had by perseverance and the exercise of no ordinary talents, combined with great tact and self-possession, raised himself to a high rank among the public men of the country. The evidence of his qualifications for this station was found rather in his skill as a political leader, than in his attainments as a statesman, or in the exhibition of profound and enlarged views of national policy. For his advancement in public life he had depended upon the discipline of party, in concentrating the suffrages of the many by the skillful management of a few, rather than upon the development of bold and comprehensive schemes of policy, or by the frank exposition of his views concerning the Constitution and the questions which agitated the country. The Attorney Ge-

eral, unlike his coadjutor, had not always belonged to the school of politicians contending for a strict construction of the Constitution. He however possessed more varied attainments and was fully qualified by his learning and eloquence for the station to which he was elevated.

The other members of the Cabinet had not been particularly distinguished either for their public services or talents. Mr Eaton was indebted for his elevation solely to the friendship of the President and to the confidential relations subsisting between them: Mr Ingham was selected through the influence of the Vice President and because he had been an active partisan in Pennsylvania, the State which brought General Jackson forward as a candidate, and to whose support he owed his success: the public in vain sought for the reason which influenced the choice of the Secretary of the Navy, and a general opinion prevailed, that in the selection of his confidential advisers the President had not gratified the expectations of the country. Either from a conviction of this fact or from a desire to impart to the Post Office department greater political efficiency, it was determined to introduce the Post-master General into the Cabinet. The old Post-master General (John McLean) had refused to make his department an engine to subserve party purposes, and it was deemed necessary to remove him to the bench of the Supreme Court, and to fill his place with William T. Barry, one of the leaders of the relief party in Kentucky.

The Cabinet was now constitut-

ed, and after confirming the nomination of some active partisans to diplomatic posts and to lucrative stations in the land office, custom house and navy, the Senate adjourned on the 17th of March, the Executive having informed that body that he had no further business to lay before it. The promised work of reform now commenced in good earnest. Before the inauguration, the capital had been thronged with political partisans chiefly from the Eastern, Western, and Middle States, all clamorous for some reward for their electioneering services during the canvass. It had been distinctly avowed by the most prominent organs of the successful party, that the President would be urged to reward his friends and punish his enemies; it was expected that he would make a prompt and general removal of his opponents from office, and by the appointment of his friends secure the ascendancy of his party. This expectation was not destined to the disappointment which attended that concerning the character of his Cabinet. Scarcely had the Senate adjourned, when a general system of removal from office was entered upon with the view of rewarding those political partisans who had been instrumental in promoting his election. Never before had so total a

change been made in the public offices. Formerly it had been confined to those prominent places, which constitute the stakes for which the game of politics is so often played. The revolution extended farther now, and men too humble to be claimed by any party, were removed from situations upon which they depended for a livelihood to make room for a set of clamorous partisans. Availing himself of the right of the Executive to fill vacancies occurring in the recess, the President shortly after the adjournment of the Senate, removed the principal officers of the treasury, the Marshals and District Attorneys in most of the Eastern, Middle and Western States, the revenue officers of the chief Atlantic ports, the greater part of the receivers and registers in the land office and effected an equally radical change in the diplomatic corps.*

As these removals were invariably made to make room for political adherents; and as with some exceptions no act of official delinquency was proved against the former incumbents, the conduct of the Executive was subjected to severe animadversions. He was charged with usurping an authority not conferred by the Constitution, which it was contended only gave him the right to fill vacancies either

*Appointments made during the recess. — Ministers plenipotentiary to Great Britain, France, Netherlands, Spain: Charge d'Affairs — Mexico, Peru: Secretaries of Legation — Great Britain, France, Netherlands, Colombia: Marshals and District Attorneys, in Pennsylvania, Ohio, Illinois, New Jersey, Louisiana, Kentucky, Virginia, Tennessee, and Missouri: District Attorneys — New Hampshire, Connecticut, New York, Virginia, Alabama, Indiana, Florida: Collectors, Surveyors, Naval Officers and Appraisers — Maine 3, New Hampshire 1, Massachusetts 9, Vermont 1, Connecticut 1, New York 11, New Jersey 1, Pennsylvania 2, Delaware 1, Maryland 3, District of Columbia 2, Virginia 1, North Carolina 2, Louisiana 4, Western States and territories 6: Receivers and Registers in Western land offices 26: Consuls 21: In the Departments at Washington 46.

accidentally occurring, or caused by some official misconduct; and even if acting within the limits of his constitutional prerogative, it was a proscription for opinion's sake contrary to the spirit of our institutions and without a precedent in the history of the country.* The officers removed were experienced and faithful, and much was justly and forcibly urged against making the public offices the prize of party contests, and thus augmenting party violence and stimulating the cupidity of political adventurers by rewards distributed without any criterion, except the unscrupulous manner in which the candidates had promoted the views of their party. On the other hand it was contended, that the Executive was solely invested with the right of removal, that it was a discretionary right, for the exercise of which he was responsible solely to the nation, that that power was given to enable him not only to remove incumbents for delinquency or incapacity, but with the view of reforming the administration of the government and introducing officers of greater efficiency or sounder principles into its various departments. Occasion was also taken, owing to the defalcation of a few of those removed, to assert the necessity of reform, and un-

sparing efforts were made to create an impression on the public mind of the necessity of a general removal of the officers of the Federal Government.

Some abuses no doubt existed, and one instance of fraud and defalcation on the part of an auditor high in the confidence of the late administration, gave a temporary popularity to this policy; but when it was discovered, after a vigorous scrutiny, that defalcations to the amount of a few thousand dollars only were detected, and that in no instance were these fastened upon officers appointed by the immediate predecessor of General Jackson, a reaction took place in the public feeling, and doubts began to arise, whether the country might not lose as much by the inexperience of the new officers, whose fidelity was yet to be subjected to the test of experience, as by the defalcations of some of the old. A still heavier and better founded objection to this reform was found in the private character of some of the new incumbents; and the Senate was called upon to rescue the country from the disgrace of having its business committed to men, whose conduct had awakened alike the indignation of the community and the censure of its laws.

This manner of distributing the

* During General Washington's Administration of eight years, there were nine removals; of these one was a defaulter.

In John Adams' Administration of four years, there were *ten* removals; one of these was a defaulter.

In Thomas Jefferson's of eight years, there were thirty-nine.

In James Madison's of eight years, there were *five* removals; of which *three* were defaulters.

In James Monroe's of eight years, there were *nine* removals. Of these one was for dealing in slaves (Guinea,) two for failures, one for insanity, one for misconduct, and one for quarrels with a foreign Government.

In John Quincy Adams', there were *two* removals; both for cause.

executive patronage was also strongly contrasted with the professions of General Jackson shortly before the election. He had then earnestly inculcated the propriety of a Chief Magistrate acting for the good of the whole and not a part of the community, and devoting himself to exterminate party spirit; and among the most reprehensible modes of bestowing appointments, he had designated that of conferring offices on members of Congress. He regarded this as aiming so directly at the independence and purity of the legislature, that he proposed an amendment to the Constitution, prohibiting the appointment of members of Congress to any office except judicial, during the term for which they were elected and two years thereafter. It was therefore cause of just and general surprise to find him within the first year of his administration conferring a greater number of offices upon members of Congress, than any of his predecessors had done during their whole term of service.

As the members appointed had been actively engaged in promoting his election, he was not only accused of inconsistency, but of carrying into practice that system of corruption which he had depicted as the probable consequence of that mode of bestowing offices.

The numerous appointments bestowed upon editors of violent political journals were also severely criticised. It was denominated an attempt upon the purity of the

periodical press, and when systematized it would directly tend to augment the violence of party disputes and to corrupt the fountain of political intelligence, by holding up public office to editors as a reward for electioneering services.

The general change which took place in the Post Office department gave additional dissatisfaction to the moderate men of the country. Under the superintendence of Mr McLean this department had been distinguished for its efficiency and order, and as its functions operated directly upon the private business of individuals, that officer had acquired great and deserved popularity from the manner in which its duties were discharged. He had himself been favorable to the election of General Jackson, and his continuance in an office of so much influence and patronage had been deemed an instance of magnanimity on the part of Mr Adams, and a proof of his determination not to use the patronage of the government for party purposes.

The removal of that officer and the introduction of his successor into the Cabinet were regarded as indications of an intention to introduce the same proscriptive system into the Post Office, and the numerous removals, which took place shortly after his appointment verified the apprehensions of the community.* In this state of public feeling the 21st Congress assembled, and it was easily foreseen that the appoint-

* By the report of the Post-Master General, in answer to a resolution of the Senate, it appeared that he had removed between the 4th of March, 1829, and the 22d of March, 1830, 491 post-masters, viz: In Maine fifteen, New Hampshire fifty-five, Vermont twenty-two, Massachusetts twenty-eight, Rhode Island three, Connecticut twenty, New York one hundred and thirty-one, New Jersey fourteen, Pennsylvania

ments made during the recess were destined to meet with opposition, although it was supposed that the decided majority of the administration party in the Senate would prevent it from being effectual. The Senate however was not at once put to the test. The President allowed a month to elapse after it assembled, before he submitted any of the appointments made during the recess, and more than two months of the Session had expired before all those appointments were submitted for confirmation. This delay, which was attributed to the disagreement that already prevailed between the friends of the Vice President and of the Secretary of State, although it tended to consolidate the strength of the administration, did not produce a general confirmation of the appointments.

A warm opposition was instituted to the whole course of the Executive in relation to removals — 1st, on the ground of their unconstitutionality, and 2d, on that of inexpediency. The opposition

failed on both points; and on the first it can hardly be doubted that it was unsound in principle. The expediency of the reform itself was a subject of greater difference of opinion; and whatever might have been urged on the one side in favor of rotation in office and a thorough reformation of abuses, and on the other in favor of the experience of the old incumbents and against deranging the whole business and policy of the Government by committing it to the hands of new and untried agents, it could not be disputed, that the President, in selecting the successors to those removed had been guided by personal predilections and a wish to reward electioneering services, rather than by a regard for the public good. The consequence was, that the Senate felt itself constrained by a sense of public duty to reject many of the appointments made during the recess, and in some instances the vote rejecting them was so large as to convey a strong censure upon the selection of the President.*

thirtyfive, Delaware sixteen, Maryland fourteen, District of Columbia one, Virginia eight, North Carolina four, Georgia two, Alabama two, Mississippi five, Louisiana four, Tennessee twelve, Kentucky sixteen, Ohio fiftyone, Indiana nineteen, Illinois three, Missouri seven, Florida one, Arkansas two, and Michigan one.

*Henry Lee, Consul to Algiers, and James B. Gardner, Register of Land Office, rejected unanimously.

John P. Decatur, Collector at Portsmouth,	Neg. 43. Aff. 1.
Moses Dawson, Receiver of Public Moneys,	" 42. " 5.
Samuel Cushman, District Attorney for New Hampshire,	" 36. " 9.
Isaac Hill, 2d Comptroller of the Treasury,	" 33. " 15.
Samuel Herricks, District Attorney for Ohio,	" 23. " 22.
Samuel McRoberts, District Attorney for Illinois,	" 21. " 20.
Wharton Rector, Indian Agent,	" 23. " 21.
M. M. Noah, Surveyor at New York,	" 25 " 23.

Samuel McRoberts was confirmed upon re-consideration, aff. 24, neg. 22, and W. Rector and M. M. Noah were again re-nominated to the Senate, by which W. R. was again rejected, 21 neg. and 20 aff. and M. M. Noah was confirmed by the casting vote of the Vice President, 22 aff. 22 neg. Holmes, Marks and Tazewell, who before voted in the negative and Hayne, who voted in the affirmative, being absent.

The removals in the post office were still more general, and when to these were added the changes made from time to time in those offices, where the commissions expired, they constituted a reform which could scarcely have been more complete had a revolution taken place in the government itself, instead of a change in the persons administering it. The decided manner in which the dominant party proceeded to appropriate all the offices of honor and profit under the government of the United States, was by no means an indication of any harmonious feeling prevailing among its leaders. The necessity which had kept its different sections together while in opposition, no longer existed, and its discordant materials began to obey their several principles of action and to range themselves under the standards of the rival chieftains, who had, by combining, achieved the overthrow of the late administration. Strong and incessant efforts had been made from the commencement of the administration by the respective partisans of the Vice President and of the Secretary of State, to direct the Executive patronage to the aggrandizement of their own friends. A division of the party was early foreseen to be inevitable, but the personal predilections of the President, which would give great preponderance to the side he might espouse, were as yet unknown. In the formation of his Cabinet the first post had been given to Mr Van Buren himself; but this advantage was in some measure counterbalanced by the

appointment of Mr Ingham, a devoted friend of the Vice President, to the Treasury Department, the influence and patronage of which were much more direct and extensive than those of any other department of the Government. The other members of the Cabinet were not selected with reference to the views of either of the competitors for the succession to the Presidency; but upon grounds of personal preference on the part of the President. In fact the whole administration was formed as the organ of a personal party. It was not the representative of any specific principle, nor did it profess any particular system of national policy. The views of the Secretary of State and of the Secretary of the Navy concerning the policy and powers of the General Government, had not harmonized with those of the Secretaries of War and of the Treasury. The Attorney General had belonged to the old federal party, and the new Post-master General had not shown that his political principles necessarily inclined him to a narrow construction of the powers of the Federal Government. Upon the whole, however, the Cabinet was formed with an apparent preference of the political creed professed by the friends of the Vice President, rather than that of the radical party. The star of the Vice President was deemed to be in the ascendant, and it was generally believed that the influence of the Executive would be exerted to promote his elevation to the Presidential chair upon his own retirement. These

opinions, however, were not realized. While the patronage of the Executive was so directed publicly to strengthen Mr Calhoun's political party by placing many of his friends in important posts, the ground on which he stood was crumbling beneath him, and measures were in train to create a breach between him and the President. To him, as a more early and efficient supporter, the President had given a greater share of confidence and manifested a warmer feeling than he had originally bestowed upon the Secretary of State, whose support was rather a matter of necessity than of choice. In this particular the Secretary labored under a disadvantage; but circumstances soon enabled him to obtain a great superiority of influence over the mind of the President.

The Secretary of War had been brought into the Cabinet solely on account of the confidential relations and intimate friendship subsisting between him and the President, and of course was entitled to, and received, his entire confidence. Upon the arrival of the Secretary of State at Washington, he found a coolness existing between the Secretary of War and the Vice President, and a division in the Cabinet itself in consequence of some disagreement in their private relations; and it was instantly perceived that as the President had particularly interested himself in this matter, that the most direct road to his confidence was by sustaining his view of this delicate subject. Whether the Secretary of State

was actuated by this motive, or regarding the lady in question as an injured woman, was desirous of doing her justice by affording her his countenance and support, certain it is, that he made signal efforts to facilitate her admission into society, and by the course he took ultimately rendered a pure question of morals and feeling, one having a direct political bearing and pregnant with great political results. As the President warmly sympathized in the feelings and resentment of the Secretary of War on this point, the Secretaries of the Treasury and Navy, as the objects of that resentment, gradually lost his confidence, which was transferred to the Secretary of State, whose course both in public and private had so completely harmonized with the wishes of himself and his friend.

The loss of influence on the part of the Secretary of the Treasury had impaired the indirect power of Mr Calhoun, and the same cause had injured his own standing with the Executive. No open breach had however as yet taken place between them, and the Vice President and his friends in Congress continued to support the administration, some of whose most obnoxious appointments were carried by the casting vote of the Vice President as President of the Senate. Affairs remained on this uncertain footing, until nearly the close of the first Session of the 21st Congress. At that time and after the greater part of the questionable nominations had been confirmed, a movement was made which ripened the misunder-

standing between the President and the Vice President into a complete alienation of feeling, and prepared the way for an open rupture. Before this event occurred, the influence of the controversy above alluded to, had effected a change in the political relations of some of the members of the Cabinet; and upon that question, the President, the Secretaries of State and of War, and the Post-master General were opposed to the Secretaries of the Treasury and Navy, and the Attorney General, and the division was understood to have no inconsiderable bearing upon other questions of greater importance.

This misunderstanding continued to increase, until finally an open rupture was produced. This quarrel however professedly originated in the view taken by Mr Calhoun of the conduct of General Jackson during the Seminole Campaign in 1818.

Gen. Jackson had commanded the American troops in that war, and acting as he conceived in the execution of his orders, had invaded the territory of Florida then belonging to Spain, and occupied the forts and towns of Pensacola to which the Indians had fled for protection. The Spanish minister at Washington remonstrated, and in the discussions which took place in Mr Monroe's Cabinet respecting this transaction, Mr Calhoun as Secretary of War proposed, that a court of inquiry should be held on General Jackson's conduct, inasmuch as he had transcended his orders.

Mr Crawford, then Secretary of the Treasury, also advocated a course, which would have been

deemed a censure on General Jackson; but the Secretary of State (Mr Adams) conceding, that the orders from the War Department had been transcended, so forcibly vindicated the course of General Jackson upon principles of national law, that all proceedings against him were relinquished, and the Government determined in its discussions with Spain, to justify the invasion, while it delivered up the posts. This was done by an able reply from the Secretary of State to the complaints of the Spanish minister, in which the course of the American General was successfully vindicated.

The subject was afterwards agitated in Congress, and the friends of Mr Crawford in that body were particularly distinguished for their efforts to censure the conduct of General Jackson, which was denounced as arbitrary and contrary alike to the law of nations and the Constitution.

As might have been expected, General Jackson felt greatly aggrieved by this attack, and his resentment was roused both against Mr Crawford and Mr Clay, whose opinions on this subject were openly avowed in the debate on the Seminole war.

Towards Mr Adams, by whom he had been so ably and so uniformly defended, and towards Mr Calhoun, who had publicly sustained him notwithstanding his first impressions, he had until lately expressed the warmest feelings of gratitude. This harmonious footing, which was first disturbed by the controversy above-mentioned, was now destined to be totally destroyed.

Towards the close of the 1st

Session of the 21st Congress, and only two days after the confirmation of the nomination of Amos Kendall, (one of the obnoxious appointments of the Executive) by the casting vote of the Vice President, a letter from Mr Crawford to Mr Forsyth was placed in the hands of General Jackson by the agency of a particular friend of the Secretary of State then at Washington, accusing Mr Calhoun of having proposed a censure upon him for his conduct in the Seminole Campaign. This letter was transmitted to Mr Calhoun by the President, with an intimation, that it was so contrary to his impressions of the course he had supposed Mr Calhoun to have pursued, as to require some explanation. Mr Calhoun replied and showed, by referring to the correspondence between General Jackson and the Government in 1818, that he must have known Mr Calhoun's opinion to be that he had transcended his orders, and that his vindication had then been placed upon other and distinct grounds. Mr Calhoun then proceeded to inquire into the motives, which had led at this late period, to a renewal of this discussion, and avowed his belief that it had originated in a desire to detract from his influence with the President, and thus to destroy

his political standing with the friends of the administration. A long and protracted correspondence ensued, in which the late Secretary of the Treasury, Mr Crawford, and several of his confidential friends took part, and although the Secretary of State distinctly disclaimed all knowledge of the preliminary movements and all motive to detract from the political standing of the Vice President, still their respective claims upon the succession, his course in public and private, after being appointed Secretary of State, and the political relations of the agents, who appeared as the prime movers in this discreditable business, produced a general impression, that its sole object was to create a breach between the President and Vice President, with the view of destroying the influence of a formidable competitor for public favor.

The movement was successful, and a party which was formed upon the principle of overturning by a personal combination, an administration that refused to subserve the political views of its leaders, was divided, and resolved into its original elements by the personal jealousies and conflicting claims of the rival competitors for the succession.

CHAPTER II.

Situation of Country. — Claims upon France. — Origin of Claims. — Claims upon Denmark; Settlement of. — History of French Claims; Negotiations concerning same. — Brazil. — Negotiations with Turkey; Treaty. — Great Britain; Colonial Controversy; History of Dispute. — Policy of Great Britain; Of the United States. — Law of 1818. — Of 1820. — Negotiation. — British Law of 1822. — Law of 1823. — American Ports opened. — British Law of 1825. — Colonial Ports closed. — Negotiations renewed. — Proceedings in Congress. — Concessions by United States. — American Ports opened. — Colonial Ports opened.

THE foreign relations of the United States at the commencement of the new administration presented a peaceful and tranquil aspect.

Controversies had arisen with Great Britain in relation to the West India trade and concerning the boundary line between Maine and the British Provinces of Canada and New Brunswick; but this last question had been referred, by consent, to the decision of the King of the Netherlands, and after a long contest, the former had terminated in a suspension of all direct intercourse between the United States and the British Islands — both parties adhering to their respective principles as too important to be abandoned.

Claims, too, existed upon most of the Continental Powers for

spoliations of American commerce during the war consequent upon the French Revolution, committed with the double view of filling their own treasuries, and diminishing the resources of their enemies, by cutting off their trade with neutrals.

It had always been the favorite policy of powerful belligerents to narrow the limits of neutral commerce, by multiplying the pretexts of seizure and confiscation; but, during that war, this system was carried to an extent of which previous history had afforded no example, and was sought to be justified on peculiar principles. It was upon the wealth and resources of these United States that these measures were meant chiefly to operate, and it was the policy of that government that they were intended to control.

The grasping spirit of European monopoly attempted to impose new shackles, in place of the colonial fetters that had been shaken off, and displayed itself in continual efforts to cripple the commerce it could not prohibit, lessen the resources it was not suffered to approbate, and arrest the growth of the prosperity it had no longer the power to crush. The first act in this series of aggressions was an exclusion from an extensive branch in the carrying trade, by a sudden revival, in a new form, and with a wider application of the rule of 1756. Our partial submission to this measure was followed by successive outrages by all the belligerent powers upon American commerce, and the persons of those engaged in it.*

From Spain, one of the belligerent parties, satisfaction was obtained by the cession of Florida, and the claims of American citizens on that power to the amount of \$5,000,000 were liquidated and paid. There still exists, however, claims upon the Governments of France and other continental powers of Europe, formidable in their amount, and the settlement of which is of the highest importance to the national character.

The claim upon Denmark rests upon grounds different from those upon France and the dependent kingdoms of that power.

They grew out of a system of piratical privateering upon American commerce, which was coun-

tenanced by the Admiralty Courts of that kingdom.

Some vessels were captured for having French consular certificates on board; the Emperor Napoleon having notified the northern courts that his consuls in the United States would not issue any neutral certificates after the 22d of September, 1810, when, in fact, his order to his consuls was not received in the United States until the 13th of November following. Still, those vessels, having certificates of the French Consuls, issued previous to that period, were captured and condemned; and by this celebrated juggle between these courts, a large amount of property was seized. Other vessels were condemned as having accepted British convoy, a ground of condemnation that ought never to have been applied to those vessels which were compelled to accept, by superior force, of that protection which proved so fatal to them.

Negotiations were renewed under Mr Adams' administration, with the view of obtaining compensation for these claims, and Mr Wheaton, a gentleman of talent and learning, was selected as Minister to Denmark. After two years' residence, his exertions were crowned with success, and a treaty was formed, March 28th, 1830, by which the controversy was terminated; the Danish Government paying \$650,000, in full compensation of all claims arising from the illegal captures

* The aggressions of England finally provoked a war between the two countries, and by a resort to that remedy, of course all claims for spoiliations or illegal seizures were done away.

and confiscations of American vessels.

The claims upon France, however, are of a paramount character, on account of the magnitude, and of the nature of the considerations by which they are recommended to public attention.

In the year 1806, November 21st, the Emperor of France, on the alleged ground that England had infringed the rights of neutrals in blockading the coasts of France and Holland, and prohibiting them from carrying on the trade between the colonies and the belligerent mother countries, issued his celebrated Berlin Decree. By this decree the British Islands were declared to be in a state of blockade, and all correspondence with them was prohibited. Letters written in English were made liable to seizure; all trade in English merchandize was forbidden, and the goods made lawful prize. Vessels coming directly from England or her colonies, or having been there since the publication of the decree were prohibited from entering any French ports and any attempt to evade that regulation, by means of a false declaration, was punished by confiscation.

Under this decree a number of American vessels arriving in France after its promulgation, were seized, because they had put into England; being forced in by stress of weather, or sent in by English cruisers for examination. This seizure was unauthorized even by the decree itself, which imposed no other penalty on vessels coming from English ports,

than their compulsory departure from those of the continent, and limited the right to seize to the single case of an attempt to evade this provision by a false declaration.

At this time, too, the convention between France and the United States, of the 30th September, 1800, was in full force. By the 22d article of that convention, it was agreed that the established courts for prize causes should alone take cognizance of the vessels and property of American and French citizens, and that, when judgment should be pronounced against them, the sentence should mention the reasons of the decision.

It was accordingly provided in the Berlin decree, that the council of prizes at Paris should decide upon all questions arising under that decree. When these American vessels were seized, a question arose whether they were liable to seizure under that decree, on the ground, that they had not gone voluntarily but had been coerced into the ports of England.

The question was never submitted to the council of prizes; but, on the 4th of September, 1807, the director general of the customs issued a circular, giving the most rigorous construction to the decree, and a retrospective effect to his own decision, so as to extend it over all the American vessels which had been previously seized and were then waiting for trial. The injustice therefore of the condemnations which took place under this construction of the decree did not consist merely in their infringement of the law of nations,

but was heightened by their violation of the express terms of a treaty.

On the 11th December, 1807, the Berlin decree was followed by the Milan decree, also in professed retaliation of the invasions of neutral rights by England. This decree provided that any ship, which should submit to be searched by an English vessel, or had been carried into England, or paid any duty to the English Government, should be adjudged to have forfeited the protection of its own Government, to have become English property, and to be good and lawful prize.

The British Islands were declared to be in a state of blockade, and all ships, of whatever nation, sailing from or to English ports, were declared to be lawful prize and liable to capture. This article was a new and further infraction of the convention of 1800, which was still in force. By the 12th and 14th articles of that convention the French Government had expressly stipulated that free ships should give freedom to the goods of an enemy, and that American vessels might pass and repass, freely, to and from the ports of the enemies of France, unless the same were 'actually blockaded, besieged or invested.' This decree, like that issued at Berlin, was nominally applicable to all neutral vessels: but the chief operation of both was upon American commerce.

It was soon made the pretext of the seizure and sale of a great number of American vessels and cargoes, the proceeds of which, without scruple, were applied to the service of the French govern-

ment. Orders were given to capture, and even to destroy, every American vessel bound to England or her dependencies. Nor were the armed vessels of France slow or scrupulous in enforcing these orders. Numbers of American vessels were burnt at sea, without even the form of a trial, and condemned by no other sentence than the will of the captors. And this wanton violation of neutral rights was, in some instances, carried so far as to cause the destruction of American vessels bound from their own country, not to hostile but to neutral ports.

The violent and inimical spirit shown by both belligerents towards the commerce of the United States, at last induced the American Government to lay an embargo, for the purpose of withdrawing the property of its citizens from the grasp of their unprincipled policy. Even this measure, pacific as it was, had the effect of provoking further aggressions upon the remnant of its commerce, in the shape of a decree at Bayonne, April 17, 1808, ordering the seizure of all American vessels then in the ports of France, or which might afterwards arrive there, without any pretence except one, which was false in fact and in its spirit most offensive and insulting.

The pretence was, that an embargo having been laid by Congress, no American vessel could be lawfully abroad, and, consequently, that those which appeared as such, could have no title to the national character, but ought to be condemned as British property. This most extraordinary claim on the part of the French

Government, was met not only by proper remonstrances by the American minister, but by an explanation, showing that, at the time of laying the embargo, there were many American vessels abroad, which were ordered by their owners not to return to the United States until that law should be repealed. — The operation of the embargo on the commercial and agricultural interests of the country, finally induced Congress to repeal the law in respect to all countries, except England and France, and the non-intercourse system was adopted in its stead. By that system, all English and French vessels and merchandize were excluded from American ports, until they had revoked or so modified their hostile decrees, as to exempt our commerce from their destructive operation. In that event, the commercial intercourse of the United States was to be renewed with that belligerent, which should thus evince its disposition to return to the observance of the rights of friendly nations.

On the 29th of April, 1809, this law was communicated by the American minister to the French Government. No indication was given by that Government that it was regarded as a hostile measure, and no remonstrance was made against it.

Towards the end of that year, however, orders were given to seize all American vessels in the ports of France, or in possession of her armies; and, after a great number had been thus seized, a decree was issued, dated at Rambouillet, March 23, 1810, con-

firmed those seizures; extending by a retrospective operation, the principle to all American vessels which had entered France, or the dependent countries, since May 20, 1809, and directing the proceeds arising from their sale, to be paid into the Public Treasury. Even this 'outrageous measure,' as it has been justly styled, in the official correspondence of the American minister, was not the limit of the aggressions of the continental belligerents. In pursuance of the continental system, promulgated in the Berlin and Milan decrees, which were communicated as orders to the dependent allies of France, many American vessels were seized in the Kingdom of Naples, forty-seven in number, and valued at four millions of dollars; were enticed into the Neapolitan ports by a decree of Murat, which relaxed the rigor of the blockade decrees as to American vessels, and, when they had trusted themselves to this plighted faith, the Neapolitan Government caused them to be seized, with their cargoes, which were sold for the benefit of the Government, and some of the vessels were taken into the public service.

In Holland, American vessels arriving in her ports in 1809, some of them forced in by stress of weather, were sequestered, without any pretence of their having infringed the laws of the Kingdom, and their cargoes placed in the public stores. The vessels were permitted to depart, as not having violated any laws; but the cargoes were detained, until the 16th of March, 1810, when

under an article of a treaty signed at Paris, on the 16th January, 1810, between Holland and France, they were delivered to the French Government as American, and by them received as such, to be dealt with 'according to circumstances, and the political relations between France and the United States.'

The United States were thus made parties to this sequestration, which was, in the most pointed manner, directed against them, as the public enemies of France, unless the American Government would vindicate the rights of neutrals by such means and in such a mode, as the French Government chose to prescribe.

Other nations have demanded and obtained from France, indemnity for their citizens for less atrocious wrongs. In 1805, a French squadron under D'Allemand, destroyed several neutral vessels at sea, among which were four American ships. The owners of all these vessels, except the Americans were paid for their property during the reign of Napoleon. The American owners are yet unpaid.

In reference, indeed, to every class and description of claims, has this preference for the subjects of European powers, over American citizens, been strongly manifested. In 1814, when Napoleon was compelled to abdicate, and the Bourbons were restored by the allied forces, the Government of France, by a treaty with the principal powers of Europe, engaged to liquidate and pay all the legal obligations which the former Government was under to indi-

viduals, 'in countries beyond its territories.' This it was bound to do, without the formality of a treaty. In the practice of the civilized world, and according to every principle of public law, it is well established that the obligations of treaties, and other official acts of government, are never affected by revolutions or changes of dynasty.

Indeed the principle of making an indemnity, was distinctly admitted by the representatives of France, in their note to the ministers of the Allies, September 21st, 1815; and in the treaty by which the pacification of Europe was made, it was inserted to prevent any doubt as to the settled practice of nations.

By this article, which was meant as a general declaration on the part of France to the civilized world, and not merely as a covenant in favor of the parties to the Treaty, all acts of violence not included within the description of damages of war, were provided for; and by a supplemental article with Great Britain, losses by assignats, in the heat of the revolution, and all claims for illegal confiscations or sequestrations by the revolutionary government, or by Napoleon, were liquidated and paid to English subjects.

In pursuance of this treaty declaration, the Government of France since the restoration, proceeded to liquidate and extinguish claims of the subjects, both of the great Powers and petty States of Europe; but the claims of American citizens were uniformly neglected.

Negotiations were opened for

indemnity and the Executive of the United States urged the demands of the claimants for justice with great ability upon the government of France; but the government, presuming upon the apathy of the American people towards the rights of the claimants, or upon the pacific policy of the Government, has hitherto met these remonstrances with the most futile excuses. The Government of France has not set up against these claims, the doctrine, that the liabilities of the former rulers of France did not descend to her present governors, notwithstanding the change of dynasty. But it has sought to avoid making compensation by silence, by delays, by evasions, and finally, by a refusal to negotiate, unless the Government of the United States would connect its claims with the claim lately made by France, to be admitted into the ports of Louisiana upon the same footing as British vessels. This demand was brought up after all other pretences had been unavailingly resorted to, and after more than five years had elapsed subsequent to the treaty, which gave rise to that claim.

The American Government refused either to admit that demand or to suffer it to be connected with the negotiations for indemnities, for spoliations upon its commerce. On that footing matters stood for many years, the claimants meanwhile suffering from the delay of justice. Upon the change in the administration of the Federal Government, it was hoped, from the character of the new President for energy and

decision, that he would not suffer claims so justly founded, to continue unliquidated or answered with frivolous excuses or untenable pretences.

A strong feeling had prevailed in the public mind on the subject, which only required an opportunity to manifest itself, and vigorous steps on the part of the Government, would have met with a hearty response from the people.

Movements were made in popular meetings, with the view of urging the Government to require a definite answer from France respecting the claims; and the new minister to that Government received instructions specially to enforce their liquidation.

Before the close of the year, the recovery of these claims was placed on a more favorable footing by the revolution which took place in the French Government itself. A Government which regarded with a more favorable eye the institutions of a republic, was substituted for the bigoted and imbecile Bourbons, and the revered and patriotic La Fayette, the friend of America, was restored to the unlimited influence that he exercised in the commencement of the first revolution. These fortunate events rendered the liquidation of these long neglected claims almost certain, and the mercantile community congratulated itself upon the probable adjustment of the sole controversy between the United States and their ancient ally.

The dispute with the Brazilian Government respecting the illegal seizure, and condemnation of

American property had been happily adjusted ; and an opening was afforded by the collisions of the principal European powers with the Sublime Porte, to extend the commercial relations of the United States, by entering into a treaty with the Turkish Government. Efforts had been made at an early period in the history of the Federal Government, to obtain access for the commerce of the United States to the Black Sea. During the administration of John Adams, a contingent commission was given to William Smith, then minister to Portugal, to proceed to Constantinople for that purpose. But the clamor, which was at that time raised against the extension of our diplomatic relations, prevented the execution of that mission. Mr Jefferson, in pursuance of the Chinese policy, which he deemed to be the true policy of the United States, permitted the subject to rest, and Mr Madison was diverted from prosecuting it by the urgency of our European relations during his administration. Mr Monroe early directed his attention that way, and proposed not long after the commencement of his administration, to Mr William Lowndes to undertake a mission to Constantinople ; but from personal considerations this proposal was declined by him.

The insurrection in Greece which broke out shortly after, retarded the business by rendering it necessary to proceed with caution, in order to avoid entangling alliances with the Porte, which might have operated unfavorably upon the Greek cause.

Mr George B. English, however, was employed as a special agent to collect information respecting the state of the war in Greece and of the substance of the commercial treaties to which Turkey was already a party. Mr English was again sent out with Commodore Rodgers in 1825, as a secretary and interpreter, with instructions to seek an interview with the Capitan Pasha and to hold an amicable communication with him. This was done and it was then ascertained, that a treaty on favorable terms could be concluded without difficulty.

Mr Offley, the American consul at Smyrna, had, during the same period, frequently visited Constantinople upon business and from his communications with some of the officers of the Porte, had formed a similar opinion ; and in his communications with the Government he had strongly urged the propriety of taking steps to conclude a treaty.

In the spring of 1820, Commodore Rodgers returned to the United States ; and as the war between Russia and Turkey, and the battle of Navarino, by destroying the influence of England with the Porte, gave peculiar advantages in conducting the negotiation, the President determined that the opportunity should not be lost. In the month of July, 1828, Mr Adams authorized Mr Offley, the American Consul at Smyrna, to proceed to Constantinople for the purpose of ascertaining definitely the disposition of the Turkish government with regard to a commercial treaty with the United States. If he

should find that such a treaty could be with certainty concluded, full powers were furnished to him and to Commodore Crane, then Commander of the American Squadron in the Mediterranean, jointly or severally for the negotiation of it; but they were expressly inhibited from assenting to any article, which might be incompatible with the neutrality of the United States. As the success of this business necessarily depended upon its secrecy, these commissioners were appointed under the authority of the President, to appoint executive agents, and such portion of the contingent fund as was at the disposal of the President, was set apart to defray the expenses of the mission and of the negotiation. Upon arriving at Constantinople, Mr Offley found affairs on so favorable a footing, that he at once commenced negotiations, and in a short time agreed upon the provisions of a commercial treaty. The preliminaries being thus happily adjusted, the treaty would have been at once concluded, had the commissioners been provided with funds to make the customary presents upon the formation of a treaty. Mr Offley was desirous of then concluding it and of assuming the responsibility of drawing upon the state department for the amount of the presents; but Captain Crane, who, as instructed by the President, had joined him at Constantinople, declining that course, the negotiation was suspended, and a communication was made to the American Government, informing it of the situation in which the business was placed.

This communication was received at Washington a few days after the inauguration of General Jackson, who, after obtaining from his predecessor an account of the previous proceedings, determined to continue the negotiation. Commodore Biddle having, in the meantime, taken the place of Crane as commander of the squadron, was also substituted for him as one of the Commissioners, and Mr Rhind, who had been commissioned as Consul of the United States at Odessa, was appointed as a third commissioner to assist in bringing the matter to a conclusion.

The commissioners were authorized to make the presents required, and a treaty was formed between the two governments, the details of which had not been promulgated at the close of the year.

The controversy with Great Britain respecting the trade between the United States and the West Indies was not of recent origin. It was almost coeval with their separation from Great Britain.

Previous to that event an intercourse, subject to but little restraint had existed as between colonies of the same power; and upon the establishment of peace it began to be renewed upon the ancient terms. It was not long, however, before the provisions of the British Navigation Laws were, upon the suggestion of Lord Nelson, then stationed in the West Indies, enforced against American vessels; and the controversy respecting the colonial trade was commenced.

Mr Pitt, upon whom as minister it devolved to bring the matter forward in Parliament, was at first inclined to place the intercourse upon the footing of exact reciprocity. Unfortunately however for both countries, he was prevented from carrying into effect these liberal views, by the publication of a pamphlet of Lord Sheffield, showing the possibility of engrossing the direct carrying trade between the United States and England, by confining the circuitous voyage through the West Indies exclusively to British vessels. British goods destined for the American market, could then be transported in British vessels, which, after landing their cargoes, would return by a circuitous route carrying supplies to the islands, and bringing the produce of the West Indies to the ports of the mother country.

This combination of voyages was felt to be a great advantage, and it was determined to secure it to British navigation. American vessels were accordingly excluded from the islands, but the hostilities in which England soon after became involved with France compelled her to relax the rigor of the system in order to secure to her colonies supplies which were indispensable to their existence, and which could not then be obtained except from the United States. The colonial governors accordingly assumed the power of opening from time to time the ports of their respective islands, and though this intercourse was precarious and subject to continual interruptions, it served to keep the islands supplied, and gave to the

navigation of the United States a share in the carrying trade, with which they were satisfied. On this footing the matter rested, until the late war between this country and England put an entire stop to the trade and compelled the islands to depend upon other sources for supplies.

Upon the renewal of friendly relations, the United States found the situation of England materially changed. The world was at peace. Her navigation no longer, with that of the United States, carried on the trade of Europe. The continental kingdoms sought to secure their own commerce to their own tonnage, and a contest commenced between these two great maritime powers for the carrying trade between their respective possessions. Both sagacious, active and alive to their own interests, they endeavored to promote them upon conflicting principles.

England, possessing extensive colonies in remote quarters of the globe, strove to monopolize their commerce, and the principles she acted upon in her navigation system were, 1st, to secure the carrying trade of the world to her own shipping, and 2d, to distribute such portion of it as did not devolve to her own tonnage among the other maritime powers, so that no one by her single strength might endanger the commercial supremacy of England and question her title to the sovereignty of the seas.

To effect these objects, her celebrated Navigation acts were passed, founded upon the principles of monopoly and exclusion.

The United States, on the contrary, without colonies, but unbur-

dened by debt, and enjoying inexhaustible resources, desired only to enter into competition with the maritime powers of Europe upon equal terms. / Possibly upon an unequal footing their advantages as a youthful nation might have enabled them to succeed, but their interest obviously pointed to the establishment of a system of equality and reciprocity, and their character as an independent power could not be satisfied with less. With this view they laid a discriminating tonnage duty in favor of American vessels; but offered to place the vessels of other powers upon the same footing as their own upon condition that American vessels were placed upon a like footing in the ports of those powers.

This system, which at the same time proffered reciprocity and retaliation, was successful, and England, upon the termination of the late war, entered into a treaty of commerce and navigation with the United States upon terms of reciprocity. This treaty did not extend to her colonial possessions, and an attempt was now made to render the intercourse with the West Indies subservient to the ancient system of monopoly and exclusion.

The American merchants soon felt the disadvantages to which they were subjected in the direct trade, in consequence of being excluded from the circuitous voyage, and exposed to the competition of vessels on their return to England from the West India Islands.

Strenuous efforts were accordingly made in the principal sea-

ports of the United States to call the attention of Congress to this state of things, and they finally succeeded in obtaining the passage of a law (April 15th, 1818,) closing the ports of the United States against British vessels, coming from ports, which were shut against American vessels, and compelling British vessels sailing from the United States to give bonds not to land their cargoes in those ports. This law not only put an end to the circuitous voyage, but also tended to impede the supplying the islands with American produce, except those colonies where the vessels of both nations were admitted.

To counteract this, the British Government immediately opened, during pleasure, the ports of Halifax and St Johns to the vessels of friendly powers, for the introduction of articles adapted to the West India market.

It thus expected to secure the greater share of the carrying trade by the indirect route to the West Indies, solely to British vessels.

This revocation, during pleasure, was not deemed by the American Government as a sufficient modification of the navigation acts, and their ports continued to be shut to British vessels, coming from those ports. The distresses of the islands increasing, negotiations were commenced on the part of the British Government, the same year, with the view of arranging the terms of intercourse; but as it insisted upon laying a discriminating duty in favor of produce imported into the West Indies from the northern

colonies, no arrangement was made, as the American Government refused to facilitate the object of its rival, in making those colonies places of deposit for the supply of her islands.

The unsuccessful termination of this negotiation left the United States no alternative but that of relinquishing all share in the intercourse, or to meet the restrictions by countervailing restrictions. They chose the latter; and by the law of May 15th, 1820, all intercourse with the colonies in British vessels was prohibited, and the importation of all colonial produce was limited to a direct importation from the place of its production. This put a stop to the trade in British vessels, and shut the produce of the British West Indies from the American market.

These retaliating measures operated so severely upon the British planters, that after two years of suffering the government at home resolved to make another effort for their relief. A law was accordingly introduced into Parliament (act of June 24th, 1822,) by which admission was permitted to foreign vessels into certain specified ports in the West Indies, with certain specified articles, the produce of the country where the vessels belonged.

By this act a discriminating duty of ten per cent was laid on foreign produce for the purpose of encouraging the northern colonies, and British vessels had, in addition to the direct intercourse, the advantages of the circuitous voyage, which was only permitted to them.

The Colonial Legislatures also imposed heavy discriminating duties, giving a decided advantage to British tonnage. In this change in its policy the Government aimed to encourage the trade between the northern colonies and the West Indies, — to give to her tonnage engaged in the direct trade between the United States and England the advantage growing out of the combination of voyages, — and to monopolize the colonial trade by heavy duties imposed upon American vessels by the legislatures of the islands.

To counteract these objects and at the same time to meet England, so far as the new system savored of liberality, a proclamation was issued by Mr Monroe, 1822, opening the ports of the United States to British vessels from the colonies, but confining the importations from the islands to the produce of the West Indies, and continuing the discriminating tonnage duty of one dollar per ton, which had been imposed as an equivalent to the colonial tonnage duties.

The next Session of Congress a law was passed, March 1st, 1823, confining the British vessels to the direct trade between the United States and the colonies from which they came, in the same manner that the American vessels were confined by the colonial system to the direct trade between the United States and the colony at which they had arrived.

These measures produced an order in Council, July, 1823, imposing a tonnage duty of 4s. 3d.

on American vessels trading with the colonies.

American navigation was thus subjected to a disadvantage, but still the trade flourished; when the British Government deemed it expedient to adopt a new system, permitting the importation into certain ports in the West Indies of the produce of the country to which the vessel, bringing the same, belonged, with the exception of salt provisions, munitions of war, books, whale oil and the productions of the East and West Indies. The exportation of colonial produce was also permitted directly to the country to which the vessel belonged.

The inland importation of all produce into Canada, New Brunswick and Nova Scotia was also authorized.

This law, which was passed July 5th, 1825, aimed to make the British islands depots for the supply of South America, and also to procure supplies for the West Indies through the northern colonies. It was altogether inoperative upon European and also upon American powers, except upon the United States, in reference to whose trade it seemed to have been framed, and with the view of terminating the colonial dispute in favor of England. It was, in some respects, a modification of the rigor of the old colonial system; but as it made an invidious distinction between powers possessing and those not possessing colonies, the American Government could not accede to its terms without departing from the commercial policy adopted upon the organization of the Gov-

ernment. Under these circumstances it sought to arrange the matter by an agreement: preferring that mode to legislation, which experience had shown to be productive of hostile feelings. A new negotiation was accordingly commenced, which terminated unsuccessfully, but which fully developed the views and principles of the respective parties.

The British Government asserted that any participation in the colonial trade by a foreign power was a boon — that the trade was peculiar to itself, and to be regulated solely by the laws of the parties possessing the colonies, and that a counteractive measure, confining British vessels to the direct voyage between the colonies and the United States, was an injury and a deviation from the spirit of the Convention of 1815.

The American Government admitted the right of England to make regulations, opening either in whole or part, the colonial trade; but contended that it was a right not peculiarly applicable to that trade, but one which applied equally to the trade with her European possessions, and that when the trade between the United States and the colonies was to be opened, it belonged to the United States as well as to England to establish the footing on which the intercourse was to be placed.

The principles upon which the exclusion from the colonial trade was justified, were not applicable to an American power. They applied solely to European nations, and were derived not from

the nature of things, but were of arbitrary invention, and intended to protect artificial interests and an unjust monopoly of the commerce and resources of the western continent.

The American Government, however, was so desirous of adjusting this controversy amicably, that it in one particular swerved from the strict principle for which it had contended, and authorized Mr Gallatin to waive the question respecting the discriminating duty in favor of the produce of the northern colonies, with the exception of the produce of the United States descending the St Lawrence and Sorrel.

In other respects, the intercourse was to be placed on a footing strictly reciprocal, and the American Government also offered to abolish all restriction, and to permit the vessels of both parties to participate upon equal terms in all intercourse between their respective dominions and other parts of the world.

Before Mr Gallatin (to whom this negotiation was committed) had presented his credentials, an order of Council was issued, closing the colonial ports against American vessels; and the British minister (Mr Canning) then at the head of affairs, always unfriendly to American interests, refused to open any negotiation with the view to an arrangement of the controversy.

The unsatisfactory termination of this dispute gave to the opposition a good opportunity to arraign the conduct of the last administration before the public, and it was not neglected. It was accused of an undue fondness for diplo-

macy; of an inimical feeling towards England, and of neglecting the public business.

The loss of the colonial trade was imputed entirely to mismanagement, and the new administration came into power under strong assurances on the part of its friends, that no effort would be spared to induce England to open the West India ports to American vessels.

Accordingly, shortly after the inauguration of General Jackson, Mr Louis McLane was appointed minister to England, with special instructions on this point. The Secretary of State in these instructions after narrating the events, which led to the suspension of the direct intercourse, stated that there were three grounds on which the United States were assailable — 1st, in their ‘too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2d, in confining British vessels to the direct voyage after the passage of the act of Parliament of 1825; and 3d, in omitting to accept of the terms offered by that act.’ Mr McLane was instructed to obviate the unfavorable impression produced by these circumstances, and to enable him so to do, he was authorized to say to the British Government, that the United States would recede from those grounds, by abolishing the discriminating duties on British vessels coming from the colonies; by repealing the provisions of the act of 1823; and by acceding to the terms of the act of Parliament of 1825.

The instructions then proceeded to say, that the British Government ought not to object to enter-

ing into this arrangement on account of the omission of the Government of the United States to accept of those terms, when formerly offered — that Mr McLane knew of the course taken by the party now in power, in reference to the policy of the late administration on that question, and he was authorized to state to the British Government, that the pretensions of that administration had not been sustained by the people of the United States, and were not to be regarded as the views of the Government.*

Thus authorized, Mr McLane entered upon the duties of his mission, and shortly after his arrival, he communicated to the Earl of Aberdeen the grounds upon which he desired to open the negotiation. To this communication no reply was made, except one generally professing a friendly feeling and a desire to amicably adjust the business. The verbal conferences between the negotiators however continued, and the Cabinet at Washington felt so desirous of regaining the trade, that towards the close of the session, the following message was sent to Congress by the President.

‘To the Senate and

House of Representatives of the U. S.

‘GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the Colonial Trade.

‘This communication has been delayed by a confident belief that the answer referred to would have been received early enough to

have admitted of its submission to you in sufficient season for the final action of Congress at its present session; and is now induced by an apprehension that, although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

‘Should this branch of the negotiation committed to our Minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has, in no event, authority to remove it.

‘Although no decision has been made, at the date of our last advices from Mr McLane, yet, from the general character of the interviews between him and those of his Majesty’s Ministers, whose particular duty it was to confer with him on the subject, there is sufficient reason to expect a favorable result, to justify me in submitting to you the propriety of providing for a decision in the recess.

‘This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part by proclamation, or, if it should be thought advisable to execute the views of Congress by like means, in the event of an unfavorable decision.

Any information in the possession of the Executive, which you may deem necessary to guide your deliberations and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required. ANDREW JACKSON.

Washington, 26th May, 1830.

This message was committed to the committee on commerce, the chairman of which (Mr Cambreleng) reported the next day a bill to authorize the President to suspend or to repeal by proclamation the acts of Congress of 1818, 1820 and 1823, whenever he could be satisfied, that Great Britain would open the West India ports for an indefinite or a limited term to American vessels from the United States, subject to the same duties as British vessels from the United States, and that American vessels would be permitted to carry the produce of those islands to all countries except British possessions to which British vessels were permitted to carry it. The ports of the United States were then to be opened to British vessels from the colonies upon the same terms as American vessels.

This bill having been twice read, Mr Cambreleng moved a resolution requesting the President to communicate to the House such information concerning the state of the negotiation as he should think advisable.

This resolution was agreed to and in the afternoon a secret message was sent from the President communicating some information just received from the minister at London. This information was in substance an account of the progress of the negotiations. And it induced the Houses to pass the bill without delay — 105 ayes, 28 nays.

The bill was then sent to the Senate, where it was also assented to, and having received the sanction of the President it became a law, and was forthwith commu-

nicated to the British Government as an additional proof of the disposition of the American Government to relinquish the stand it had hitherto taken on this question, and the Secretary of State in his letter of June 18, 1830, informing Mr McLane of its passage instructed him to so represent it to the British Government. It was so represented, and our minister in his letter to the Earl of Aberdeen of July 12th, declared, 'that the law conceded in its terms all the power in the regulation of the colonial trade to Great Britain, and that it authorized the President to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain had at any time demanded or desired.'

These concessions were at length deemed sufficient by the British Government; and on the 17th August, 1830, an answer was given by the Earl of Aberdeen, in which these concessions and abandonment of a principle long contended for, are specifically recapitulated, as if to preclude the United States from again insisting upon it; a construction put upon the late act of Congress agreeable to the views of Great Britain, an intimation given that the British government contemplated an augmentation of the duties on produce imported directly from the United States with the view of encouraging the importation through the northern colonies, and finally an assurance made that the carrying into effect of the law of Congress, would remove all difficulty in the way of the renewal of intercourse on the footing of the

act of Parliament of 1825. Upon the receipt of this answer at Washington, the President issued a proclamation dated October 5th, 1830, opening the ports of the United States to British vessels from all the British colonies on or near the North American continent, and declaring the acts of Congress of 1818, 1820 and 1823 absolutely repealed. The trade in British vessels accordingly at once commenced, and on the 5th, of November following, the British Government by an order of council opened the colonial ports to vessels of the United States.

The controversy was thus terminated, and although the principle of reciprocity was so far given up as to concede to Great Britain the circuitous voyage, as well as the right to encourage the indirect importation of American produce through the northern colonies by augmenting the duties on the direct importation, the United States on their part gained a participation in the direct intercourse upon terms of reciprocity, and the additional privilege of exporting goods from the British colonies to foreign countries. The controversy resulted substantially to the advantage of American interests although the principle contended for by Great Britain prevailed.

It indeed follows from the nature of things, that a system so entirely artificial as the colonial system, and so contrary to the interests of all American States cannot be sustained without great difficulty and entirely at the expense of the colonial power. Experience has accordingly shown 'that restrictive measures have not been

able entirely to prevent commercial intercourse between the colonies and the United States, and such is the advantageous position of an independent community, that where trade has been permitted, much the greater portion of it has been carried on in American vessels. When the direct intercourse is prohibited, the transportation to the Danish and Swedish Islands, through which importations of produce are made, is entirely confined to the tonnage of the United States; and when the direct trade is permitted, the greater proportion of it is engrossed by the same flag.

Even the discriminating duty in favor of importations from the northern colonies, unless so great as to be nearly prohibitory, can produce but little effect in diverting the trade from the direct route.

The system, however, is still persisted in by Great Britain; and directly after concluding the arrangement in question with the United States, the minister proposed an increase of nearly fifty per cent in the duties on American produce imported into the islands, and to permit their importation into the northern colonies without duty. The change in the ministry itself about that time prevented that measure from being carried into effect; and time alone can determine whether in case it should be adopted, it will be necessary for the United States to adopt other counteractive measures in place of those repealed by the Proclamation of the President for the protection of their navigation and commerce.

CHAPTER III.

Treaties between the United States and Cherokees. — Condition of Cherokees. — Constitution adopted by do. — Policy of Georgia. — Views of Federal Government. — Question between the Cherokees and United States. — Conduct of Georgia. — Proceedings in Congress. — Bill reported in Senate. — Proceedings in Senate. — In House. — Passage of Bill. — Character of Bill.

ONE of the most embarrassing subjects which fell under the cognizance of the new administration, related to the Indian tribes within the limits of States already admitted into the Union.

In the Annual Register for the years 1827–8–9 * a full account was given of the peculiar relations subsisting between those tribes and the State and Federal Governments. Some embarrassment had grown out of the different views which lately began to be entertained of their territorial and civil rights by the authorities of Georgia and by those of the United States; and a warm and angry controversy, relative thereto, had commenced in the latter part of the administration of Mr Monroe, which continued throughout that of his successor. An account of the controversy respecting the Creeks and of its final adjustment by a treaty, will be found in the

1st and 2d volumes of the Register. The Cherokees also residing in Georgia, however, refused to make any concessions, and determined resolutely to adhere to their rights and obligations, as defined by the treaties already in force. Various efforts were made to induce them to depart from this resolution, and the government of Georgia was loud in its threats in case the Federal Government should not put the State in possession of the Cherokee country, of taking the matter into its own hands. All attempts, however, to persuade the Cherokees to part with another acre of their territory proved ineffectual. They declared that they had already reduced their limits within reasonable bounds; that in the expectation of becoming a people, they had relinquished their vagrant habits and devoted themselves to agriculture, and to the

* Vide page 69. Ib.

arts of civilized life. They had now accustomed themselves to the utensils, the food and the habits of the white man, needed many of his comforts and luxuries, professed his religion, spoke his language and had adopted his laws; they must advance or become extinct, and with this alternative alone in view, they could not consent to stop short in their progress in civilization and to put their very existence at stake by exchanging their cultivated country for an unexplored wilderness. The expectation, therefore, of obtaining possession of this country through the agency of the Federal Government was relinquished. It had manifested a sincere desire to comply with the compact of 1802, in the letter and spirit; and it was not pretended that an agreement to extinguish the Indian title 'when it could be peaceably done on reasonable terms, bound the United States to resort to force. Besides, the United States had entered into various treaties with this tribe, which not only prevented the Government from encroaching upon its territory, but compelled it to protect them from the encroachments of others. This Indian tribe formerly was a powerful nation, occupying a large tract of country in the western parts of Georgia, South and North Carolina, and extending over a large part of the old Mississippi territory. During the revolution they took part together with most of the Indian tribes against the United States, and upon the conclusion of peace with Great Britain, the great southwestern tribes

still continued to preserve their hostile attitude. The Creeks and Cherokees, who were allies, threatened the frontier settlements of Georgia and North Carolina, and as these States, especially the former, had undertaken to interfere in an unauthorized manner with Indian affairs, Congress refused to employ the arms of the Confederacy to reduce them to submission, unless the whole power of establishing the terms of peace was acknowledged to belong to that body. A treaty was finally concluded at Hopewell, in 1785, by which peace was restored, and the Cherokees were received into the favor and protection of the United States, upon certain conditions, viz :

All prisoners and all property were to be restored.

The Indians acknowledged themselves to be under the protection of the United States and of no other sovereign.

Their hunting grounds within the United States were defined and a boundary line allotted; and it was agreed that if any person should attempt to settle on those grounds, he should forfeit the protection of the United States and be subject to the laws of the Indians. Provision was made for the punishment of offenders, for the regulation of all Indian affairs by Congress and for the representation of the Cherokee Nation in that assembly by a deputy of its own choice.

Peace, however, was not firmly established by this treaty. The citizens of Georgia continued to encroach on the Cherokee terri-

tory, and after the adoption of the Federal Constitution (which gave jurisdiction over Indian commerce and the whole treaty-making power to Congress,) a treaty of peace and friendship was made at Holston in 1791, by which the Cherokees acknowledged themselves to be under the protection of the United States and of no other sovereign, and stipulated not to make any treaty with any foreign power, *individual State*, or individuals of any State. Prisoners were surrendered and a boundary line declared 'between the citizens of the United States and the Cherokee Nation,' and the United States, to extinguish their claims to the land north and east of the boundary line, agreed to pay \$1500 annually to the 'Cherokee Nation, which relinquished and ceded their right to the said land; and the United States also agreed solemnly to guaranty to the Cherokee Nation all their lands not thereby ceded.' It was further agreed that the citizens of the United States should have the free use of a road through that territory and of the navigation of the Tennessee River; and that the United States should have the right of regulating the Cherokee trade. It was further stipulated that all citizens settling on the Cherokee land should forfeit the protection of the United States and be subject to the Cherokee laws; that no citizen of the United States should attempt to go into the Cherokee country without a passport from a Governor of one of the States or a person authorized by the President; and that any citizen of the

United States committing any offence within the Cherokee territory should be punished as if the same had been committed 'within the jurisdiction of the State or District to which he may belong, against a citizen thereof.' Provisions were also made for the improvement of the condition of the tribe, and that they 'may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters;' and the United States agreed to furnish gratuitously implements of husbandry and to aid them in their progress towards civilization.

In 1798, a further cession of their territory was made by the treaty of Tellico; the annuity was increased to \$6000 and the United States in the 6th article, agreed to continue 'the guarantee of the remainder of their country forever.' Other treaties were subsequently made, modifying from time to time the boundary line; and one in 1816, permitting the citizens of the United States to navigate the rivers within the Creek nation; but these treaties did not in any respect alter the relations subsisting between them and the United States. On the contrary, all the former treaties were recognised and confirmed by a treaty made at Tellico in 1805, and by a treaty made in 1817 at the Cherokee Agency. This latter treaty was made with the view of enabling a part of the nation to emigrate beyond the Mississippi, and all former treaties between the United States and the Cherokee nation were expressly recognised by it and de-

clared to be still in force and binding on both parties. Relying upon these treaties, the Cherokee nation determined to part with no more territory, and availing themselves of the advantages held out by them, they had under the guidance of their sagacious chiefs advanced rapidly in civilization and promised soon to be on a footing of equality with the surrounding whites.

In 1827, a striking advance was made by their discarding in a general council their former rude government, which was based on their aboriginal customs, and adopting a written constitution for the future government of the nation. This constitution was in substance as follows. The first article describes the boundaries of the nation and declares that the jurisdiction of the government shall extend over the country within the described boundaries, and that the lands therein shall be the common property of the nation, but the improvements made thereon are to be the exclusive property of the individual citizens making or rightfully possessing the same. The citizens of the nation are to possess no right to dispose of their improvements in any manner to the United States, individual States nor to individual citizens thereof.

The second article divides the Government into three Departments: viz. the Legislative, Executive, and the Judicial, and provides that no person belonging to one of these departments, shall exercise any of the powers belonging to another except in specified cases.

The third describes the nature and powers of the legislature. This is to consist of a Committee and a Council, each having a negative on the other, and both to be styled 'the General Council of the Cherokee Nation.' The Committee is to consist of two members from each of the eight districts; and the council of three from each district is to be chosen by the qualified electors in their respective districts, for the term of two years. All free male citizens except persons of African origin, who have attained the age of eighteen years, are entitled to vote at public elections and are to vote *viva voce*. The other provisions of this article need not be stated, as they are similar to those which govern legislative proceedings in the States of the Union.

The fourth relates to the executive power. This is vested in a Principal Chief, to be chosen by the General Council, and to hold his office four years. An assistant Principal Chief is to be chosen in the same manner, for four years; and every year, three men are to be appointed by the General Council, to be associated with the assistant Principal Chief as advisers of the Principal Chiefs.

The fifth defines the nature and power of the Judiciary. The Judicial powers are vested in a Supreme Court, and in such Circuit and Inferior Courts as the General Council may, from time to time, establish. Three judges constitute the Supreme Court, and hold their commissions for four years, but any of them may be removed from office on the address of two thirds of both

houses of the General Council to the Principal Chief. The judges receive a stated compensation and are not to receive fees or perquisites of office, nor to hold any other office of profit or trust whatever. They are appointed by a joint vote of both houses of the General Council, and are eligible only within the ages of thirty and seventy years.

The rights of the citizens are secured in the following manner; In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature of the accusation, of meeting the witnesses face to face, of having compulsory process for obtaining witness in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

The people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches, and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without good cause, supported by oath or affirmation. All prisoners shall be bailable upon sufficient securities, unless for capital offences, where the proof is evident or presumption great.

The sixteenth article declares, that no minister of the gospel while discharging the exercises of his functions, shall be eligible to the office of Principal Chief, or a seat in the Legislature.

No person who denies the being of a God, or a future state of rewards and punishments, shall hold any civil office in the nation.

Universal toleration in religion is allowed.

All commissions shall be in the name of the Cherokee nation and sealed with the national seal, and be signed by the Principal Chief.

No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall private property be taken or applied to public use without his consent.

The right of trial by jury shall remain inviolate.

Schools, and the means of education shall be encouraged in the nation.

The appointment of officers, not otherwise directed by the constitution, is vested in the Legislature.

The adoption of this constitution on the part of the Cherokee nation, by extinguishing the expectations, which had been hitherto entertained of effecting the removal of this tribe, from the State of Georgia with its own consent, induced the local authorities to assume a new ground, and to hold a different language, both to the Federal Government and to the Indians themselves. It had been until now conceded, that the Federal Government had the entire jurisdiction over this subject, and the Government of Georgia had only urged, that it was its duty under the compact of 1802, to extinguish the Indian title for the use of Georgia at the expense of the United States. It now asserted a jurisdiction over the whole matter, and undertook to pass laws extending its criminal and civil jurisdiction over the Indians within its limits, by virtue of its authority as a sovereign State. According to this new doctrine,

the Indian territory belonged to Georgia absolutely, the Cherokees were tenants at her will, and she had the right at any time to determine that tenancy, by taking possession and extending her authority over the tribe. These principles, so novel in themselves, were directly contrary to the established practice of the Government, and in violation of the provisions of the Indian Intercourse Act, passed in 1796, and continued with some modifications in the details by the act of 1802, which was still in force. By this law, the citizens of the United States were prohibited from going into the Indian territory, the boundaries of which were specified, under pain of fine and imprisonment. Settling upon the Indian territory, or surveying, or designating boundaries thereon, was declared punishable by fine and imprisonment; and the President was authorized to employ the military force to remove persons intruding on the Indian lands, and to deliver them over to the civil authorities of the United States. The legislature of Georgia in 1828 had advanced principles in violation of this act by way of resolutions, but it was foreseen that so long as the Federal Government was determined to preserve its authority inviolate, these declarations could not be carried into effect. Similar encroachments upon the federal authority had been attempted in relation to the Creek Treaty, but the determination expressed by Mr Adams to execute the laws, and his orders to the military, to arrest all intruders upon the Creek Territory,

produced their proper effect, and after many threats, the State authorities were obliged to acquiesce in the calm but firm decision of the Executive. The system of threatening, however, was not departed from.

In 1828, the State Legislature passed a law, to take effect prospectively, extending her jurisdiction over the Indians. In 1829, the law was re-enacted to take effect in 1830. A change had now taken place in the administration of the Federal Government, which was followed by a change in its policy towards the Indian tribes within the United States, and the States of Alabama and Mississippi imitated the example of Georgia. These States were also partly occupied by Indian tribes, but under different circumstances. The right to the land, after the extinguishment of the Indian title, became vested in the United States—the States being created by act of Congress out of the public territory, and bound not to interfere with the public lands. In Alabama were the Creeks, a portion of the Cherokees, and a few Choctaws and Chicasaws. These two latter tribes, however, chiefly resided in Mississippi, and their relations with the United States were in the main, similar to those existing with the Cherokees. They were also far advanced in civilization.

Almost immediately after the inauguration of General Jackson, communications were made by the Executive to the Creeks and Cherokees, indicating the policy which would be in future pursued toward the Indian tribes, and the

views entertained by him, of the relations existing between them and the United States.

The letter to the Cherokee Council, together with the opinion of the Attorney General, and the memorial of that nation to Congress, and other documents containing the statements of both sides of the question, will be found among the Public Documents in the second part of this volume.*

From these papers it appeared, that the federal administration conceded to Georgia, full power as a sovereign State, to extend her civil and criminal jurisdiction over all the Indians within her limits; and that the treaties made with the United States, so far as they contravened this authority by guaranteeing the Indian title, were not binding upon the General Government, inasmuch as it had not a constitutional right to make such treaties. It was also asserted, that the Indian title was only a right to hunt, and consequently was temporary and subject to be abridged, whenever the country was wanted for the use of civilized man; that the right guaranteed was a mere right of possession, and that the guarantee was never intended to be adverse to the sovereign right of Georgia.

The State had hitherto been induced to forbear to act, in the expectation that some satisfactory arrangement would be made; but the course adopted in creating a Cherokee Government professing to be independent, was inconsistent with the political system of

the United States, and well calculated to excite apprehensions as to the extent of the aboriginal claims. The attitude thus assumed by the Cherokee Nation was one which was never contemplated and in which it could not be sustained by the Federal Government.

The Cherokee chieftains on their part contended, that the right of their tribe to its territory was anterior to all other claims, and had been recognised by the whites and guaranteed by treaties; that their right of regulating their domestic affairs was equally undeniable and had never been surrendered; that they had taken no part in the formation of the Constitution of the United States nor of the compact of 1802 with Georgia, and therefore were not bound by any of the provisions in those instruments or any construction put upon them; that if any difficulty resulted from inconsistent obligations, they should not be affected by it; and they suggested that it was easy for the State and Federal Governments to modify the compacts between them so as to preserve the honor of the United States, and to promote the happiness and prosperity of a people whose title to their territory was undeniable, whose interests were becoming identified with their white neighbors and who had been always ready to obey their call as friends and allies.

Had this controversy been confined to these parties, no difficulty probably would have grown out

* Vide pages 123 — 145.

of the dispute. The obligations of the Government of the United States were too clear to permit any encroachment by any direct agency upon the Cherokee territory. This responsibility was assumed by the State Government. The act of Georgia, which was passed December 20th, 1828, * provided for a division of the Cherokee country within the limits of the State into five portions and attached them to the five contiguous countries. The laws of Georgia were extended over the white residents within the territory and the Indians were declared to be subject after the first of June, 1830, to such laws as the Legislature might prescribe. The Cherokee laws and customs were declared to be void after the same period, and all Indians, or their descendants, residing within the nation, were declared to be incompetent, either as witnesses or parties in a suit wherein a white man was a party.

The harsh and arbitrary character of this law excited much feeling throughout the country; and the view which the new administration took of the obligations of the United States towards the Cherokees, when conflicting with the pretensions of Georgia, gave good ground for apprehension as to the ultimate fate of this tribe. Meetings were held in various parts of the Union for the purpose of remonstrating against the construction given by the Executive of the treaties between the United States and the Cherokees. The Federal Government was declared to be bound to protect this

tribe from the encroachments of Georgia. The guarantee was intended as a substantial protection against all invasions upon the territory reserved, and especially against encroachments under the authority of States. The difficulties, which had grown out of the doubts as to the authority of Congress, under the articles of confederation were the inducement to invest the General Government with enlarged authority over this subject under the Federal Constitution, and the encroachments which the inhabitants of Georgia had formerly made upon the Creeks and Cherokees — encroachments which had more than once produced hostilities between them and the whites — were the chief motives to giving the guarantee in question.

The faith of the nation was therefore plighted to these tribes; and their dependent situation gave them a strong claim upon it, requiring the most scrupulous performance of all its obligations. No distinction, drawn from the confederated character of the Government, could be regarded as an answer to these claims. The power to pledge the national faith unquestionably belonged to the National Government; and whether plighted to foreign powers, to Indian tribes within its limits, or to its own citizens in a state of rebellion, it gave a sacred character to its stipulations, which rendered their performance of paramount importance. The practical construction given to these treaties for forty years, which had been hitherto undis-

* For act, vide Domestic Occurrences, under head of Georgia.

puted, the provisions of the Indian intercourse act, in conformity with that construction for nearly the same time, were also urged as unanswerable reasons why the Federal Government should continue to afford its protection to the Cherokees as it had hitherto done; and a strong and earnest appeal was made to Congress to prevent the Government of Georgia from carrying into effect a law so injurious to the natural rights of the Indians and which was a direct and positive violation of those treaties. This appeal did not induce the administration to forego its resolution to further the designs of Georgia. It felt itself strong in the support of a powerful party in the country and strong indications were given that the views of the administration respecting the Indians would be sustained by a large portion of that party.

The government of Georgia however felt, that the harsh and unjustifiable steps authorized by the act of 1828, could not be carried into effect without exciting a torrent of public feeling too powerful to be withstood. The 9th section of that law, which incapacitated Indians from appearing in any character in Court was particularly objected to as violating both justice and humanity. An act was therefore brought in at the next session of the legislature to repeal that section of the law of 1828. This new act incorporated the Cherokee country with the adjoining counties and extended the criminal and civil jurisdiction of the State over all persons in-

habiting it. It also declared all the Cherokee laws void, and rendered it criminal to carry them into effect so far as they provided for the punishment of Indians for selling land or calling or attending a Council with that view. It was also declared a misdemeanor to dissuade the Indians from selling their lands, and all Indians residing within the Cherokee territory were rendered incompetent to testify in suits where a white man residing out of the nation was a party. This was a modification of the bill of 1828, and permitted Indians to be parties in suits and witnesses in some cases. Most of the provisions of the old law however were left still in force, and the Cherokees were in great uncertainty as to their fate. The States of Alabama and Mississippi partially followed the example of Georgia and took measures to extend their jurisdiction over the Indian territory within their respective limits. The Legislature of the former in 1829, passed a law extending the jurisdiction of the State over the Creek nation and authorizing a census to be taken of the Indians. The law of Mississippi, which was passed in 1830, declared all the rights and privileges held by the Indians by virtue of their own customs to be abolished, and placed them upon the same footing as the free white citizens of the State. The laws of the State were extended over the Indian territory and it was declared to be punishable by fine and imprisonment to exercise any office established by the customs of the Indians. The passage of these laws, together with the un-

constitutional course of Georgia, produced much excitement, and the humane throughout the country were alarmed, lest all the efforts of the Government to civilize them should be rendered abortive and an irreparable injury inflicted upon the character of the country for good faith and humanity.

There was no prospect, that the Federal Government would interfere to prevent the execution of this law, whether it was construed to be an infringement of the treaties or not. The President had declared, that he did not deem it competent for the Federal Government to interpose its authority between the State and the Indians, and this opinion was reiterated in his message at the opening of the 21st Congress.*

The late attempt of the Cherokees to establish an independent government within the States of Georgia and Alabama, although the natural result of the policy of the United States, he declared to be inconsistent with our political system, never contemplated by the Federal Constitution and in which they could not be sustained.

He had informed the Cherokees that Georgia and Alabama had a right to extend their laws over them and that the Federal Government could not interfere to protect them, and advised them to emigrate beyond the Mississippi or to submit to the State laws. With the view of enabling them to subsist as an independent community beyond the influence of the whites, he recommended to Congress to set apart a territory

beyond the Mississippi and without the limits of the States, to be guarantied to the Indians forever and to be subject to no other control from the United States, than what was necessary to maintain peace and tranquillity. If, however, they should not be willing to emigrate, they ought to be informed that they must submit to the state laws, and he had informed them that the Executive of the United States would not countenance them in their attempts to establish an independent Government. This subject was referred by both Houses of Congress to their respective Committees upon Indian Affairs, and on the 22d of February, 1830, the committee of the Senate made a long report to that body, approving the recommendation of the Executive, accompanied by a bill to carry it into effect. A similar report and bill was submitted to the House of Representatives on the 24th of February, by Mr Bell, the chairman of the Committee of Indian Affairs in that body. This bill authorized the President to set apart such portion as he should deem necessary, of the public territory west of the Mississippi, to be divided into districts, for the permanent residence of the emigrating Indians. The President was also authorized to exchange these districts with any tribes thereof residing within the United States, for the land occupied by them, and to assure them that the United States, will secure such land to them and their posterity forever; and a patent was

* Vide Public Documents, page 16.

to be granted to them to that effect. He was authorized to pay for the Indian improvements on the exchanged lands, and upon the payment of the appraised value the improvements were to belong to the United States. He was to cause the emigrants to be assisted in removing and settling in their new country, to provide for their sustenance for the first year after their removal and to protect them in their new residence against all other tribes or persons.

The same care and superintendence which the President exercised over the Indian tribes by virtue of the acts regulating intercourse with them, he was to continue to exercise over them after their removal, and the sum of \$500,000 was proposed to be appropriated to carry the provisions of the act into effect.

This bill was laid on the table for some time before it was brought up for discussion. The subject however was often agitated, upon the presentation of petitions from various quarters, urging Congress to take means to preserve the faith of the nation inviolate. The representatives from Georgia were unusually sensitive whenever this subject was agitated, and denounced the petitioners as impertinently interfering with their local concerns — they even sought to prevent the reading of the petitions, and when information was required as to the character of the laws, which Georgia had enacted concerning the Cherokees, they endeavored to divert public attention from that point by including the laws anciently passed in other States, in an entirely different

state of things. The resolution was accordingly so modified by the administration party in Congress as to call for the old laws of States, where Indians formerly lived, as well as for those of the States where the tribes still existed. In answer to this call however the most obnoxious law of Georgia, that of 1828, was omitted and the whole subject was not fairly laid before Congress. The discussion of the bill was commenced in the Senate on the sixth of April by Mr White, the chairman of the Indian Committee, who explained the objects proposed and went into an examination of the claims and rights of the tribes, the States and the General Government. He was replied to by Mr Frelinghuysen who sustained with great power of argument and eloquence the claims of the Indians, and the authority of the United States over the whole matter. The discussion was further continued until the 24th of April by Messrs Forsyth, Adams, and McKinley in support of the bill and by Messrs Sprague and Robbins in opposition to .

Messrs White and Frelinghuysen again took part in the debate and various amendments were proposed, which together with the bill itself, were decided on the 24th of April.

The first amendment proposed by Mr Frelinghuysen was to provide for the protection of the Indians in their present possessions, until they chose to remove, and in the enjoyment of all their rights of territory and government as heretofore exercised. It also provided that before the removal or ex-

change, the rights of the tribe should be guarantied by treaty as formerly.

This amendment was rejected by a party vote of 27 to 20, all the administration members except one from Pennsylvania voting in the negative, and all the opposition except two, in the affirmative. On the second part of this amendment, the vote stood 28 to 19, the Senator from Pennsylvania voting with his party.

An amendment was then proposed by Mr Sprague, providing for their protection in their present possessions and in the enjoyment of their rights of territory and government according to the true intent and meaning of the treaties until they should choose to remove; which was rejected by the same vote, 20 affirmative, 27 negative.

Mr Frelinghuysen then offered an amendment providing, that the act should not be construed so as to authorize a departure from, or the non-observance of, any compact or treaty then existing between the United States and the Cherokees. This was also rejected by the same vote. Mr Sandford then offered an amendment, authorizing a similar exchange of lands with Indians, who occupied lands of which the pre-emption right belonged to a State instead of the United States, and this being amended by Mr Woodbury so that the expense should not be charged to the United States, was rejected 37 to 10.

The bill was then passed, 28 to 19, every Senator voting as before, except the administration Senator from Pennsylvania, who

voted with the majority. On Monday, the 26th of April, the bill was carried to the House, where Mr Bell moved, after it had been twice read, that it should be referred to the Committee of the whole House on the State of the Union and objected to its being referred to the Committee on Indian affairs, because it was similar to the bill already reported by that Committee. That course having been taken, it remained on the table until the 13th of May, when Mr Bell moved, that the special orders of the day be postponed with the view of taking up the Indian bill. This motion prevailed and the discussion was commenced in the Committee of the whole House by Mr Bell, who explained the objects of the bill and advocated its policy at length. He was followed by Mr Storrs, who condemned the bill as a violation of good faith and as countenancing the violent course of Georgia. The discussion was continued until the 19th of May, by Messrs Lumpkin, Foster, Wilde and Lamar, all from Georgia, in favor of the bill, and by Messrs Ellsworth, Evans, Huntington, Johns, Bates and Everett, against it. The advocates of the bill contended, that the title of the Indians to the territory they claimed was necessarily temporary and must yield to the claims of civilized man, whenever the land was needed for cultivation; that the Deity made the earth to be cultivated and improved, and that it would be preposterous to permit large tracts of country, sufficient for the accommodation of a numerous population, to be re-

served merely as a hunting ground for a few wandering savages. This view of the Indian title had always been taken by the European powers; it had been sanctioned by the uniform practice of the Colonial Governments; by the decisions of the Federal and State Courts and was taken by our commissioners at Ghent in resisting the pretensions of England in behalf of her Indian allies. As to the Cherokee claims under the treaties, they denied that the treaties were binding; first, because the Federal Government was not authorized to treat with Indians, although a different practice had sprung up through inattention; and even if authorized to treat, the States were secured by the Constitution from the erection of any new State within their several jurisdictions, without the consent of the State concerned, and therefore the treaties were void so far as they stipulated to guaranty the territory to the Cherokees or in any manner for their existence as a distinct community. The condition of the Indians themselves, they asserted, would be improved by removal, and their reluctance to cede their territory was declared to be solely owing to a few whites and half breeds who resided among them and exercised a controlling influence in their councils. They were now surrounded by frontier settlers and the only intercourse they had with the white men, imparted to them the vices and not the virtues of civilization. Their laws and customs were still savage, and while their continuance in their present location was a detriment

and incumbrance to the States where they resided, it was also a positive disadvantage to the Indians themselves, who were gradually wasting away under the deteriorating influence of idleness and intemperance. It was also said, that this bill did not contemplate any forcible removal of the Indians, but merely to afford them aid in emigrating.

On the other side it was contended that, however undeterminate and temporary might have been the original title of the Indians to their territory, it was capable of being changed into a title as valid and definite as that of a civilized community to soil occupied by its citizens: that this had been done by the treaties concluded with these tribes with the view of attaching them to their country as a civilized people, and the faith of the United States was now pledged to respect that title and to secure them in the enjoyment of their territory.

The Indian title had always been respected by the American Government; and although it had been customary for the Indians to relinquish from time to time portions of their territory, it had never been contemplated to remove them entirely without their consent. On the contrary, efforts had been made by the General Government to change their habits and to fix them to the soil as a civilized people. Such was the object of the treaties which were concluded by the Federal Government with the sanction of Georgia herself. The ground now taken concerning their unconstitutionality was entirely new

and inconsistent with the uniform practice of the Government ever since the adoption of the Constitution, which had, and in reference to this very pretension, prohibited States from entering into any treaty, and conferred upon the General Government the exclusive power of making treaties, of regulating Indian commerce and of repelling Indian encroachments. The whole power was thus vested in the Federal Government; and it had in conformity with this power proceeded to make treaties with the Indian tribes under every administration, and almost every year of its existence as a National Government, without the slightest objection on the part of a State, or any intimation that such a course was unauthorized by the Constitution. The Senate had sanctioned these treaties session after session; Congress had made appropriations and passed laws to give effect to their stipulations, and the whole practice of the Government had been in conformity with the principle that the whole subject was exclusively under the jurisdiction of the Federal Government. In the belief that this was so, the Indian tribes had entered into treaties, had ceded lands and relinquished claims. The Federal Government had accepted of these cessions; the States, and especially Georgia, had derived benefit from them and had acted as if they were valid; and the pretension that the treaties were void, because the Federal Government had not been vested with power to make them, was not only unsound in itself, but was repug-

nant to every principle of fairness and justice. It was a fraud upon the Indians and would be so regarded by the civilized world. The faith of the country was pledged to these dependant and helpless tribes, and public opinion would exact a full compliance with its engagements. These engagements were not only to guaranty their territory, but to aid them to become a civilized people. Relying upon this promise, the Indians had relinquished their savage habits. They were no longer fitted to procure their subsistence by hunting. They were agriculturists. They had farms and cattle, and essentially lived like their white neighbors. They perhaps were not so much advanced in civilization; but they had undeniably made great progress, and they could not relapse into a state of barbarism unless by a change of policy on the part of the United States. To that policy they were indebted for their elevation, and its effects were seen in an entire change in the habits and character of the whole community. The increase of their numbers within a few years, the commerce they began to carry on with the neighboring States; the establishment of a newspaper among them, the institution of their form of government, and the orderly and moral character of the tribe were all proofs of the efficacy of this policy, and so many testimonials to the good faith and benevolence of the American Government.

That such was the actual condition of the southern tribes, appeared not only by the accounts

from the missionaries dwelling among them, but by the reports of the public agents themselves; and Congress was adjured not to suffer itself to be driven from a policy which had produced such beneficent results by intemperate denunciation, and threats of State authorities. To the argument urged, that this bill did not contemplate coercive measures, it was replied that, although it did not directly authorize coercion, its object was to appropriate a sum of money to co-operate with the States, in the compulsory removal of the tribes. Some of the States, and especially Georgia, had long aimed at that, and had been prevented only by the authority of the Federal Government from carrying this design into effect. They had lately passed laws depriving the Indians of their rights as secured by treaties, and rendering it impossible for them to continue in their present abode without submitting to the most degrading conditions. The President upon that informs them that he cannot and will not protect them from the operation of these laws; and upon the assembling of Congress, recommends this bill to facilitate their removal. This is directly abetting coercive measures to remove them, and renders the Federal Government responsible for the new policy now adopted toward them. The measure itself, in its effects on the Indians, was also severely criticised. The territory which was offered for their reception was declared to be cold, sterile and scarcely inhabitable. The experiment which had been

made with a part of the Cherokees had not proved successful. Scarcely had they settled in their new abode when they were required to remove still further, to accommodate the people of Arkansas, and it was predicted that such would be the fate of all the tribes who might consent to emigrate beyond the Mississippi. Their only chance to preserve their existence as a people was, by remaining among the whites and not by receding from them. By accustoming themselves to the habits of civilized life and to the presence of white men, they might escape extinction; but how could they hope to recede from a nation which had already reached the sources of the Mississippi, and which would soon pass the summits of the Rocky Mountains? The pledges now offered, not again to disturb them, could afford no security. No pledges could be stronger than those they now had in the treaties, and at some future time the same plea of convenience or necessity would be used to justify a new violation of national faith. The precedent would be on record, and when once a Government violates her plighted faith, the rubicon is passed and her course thereafter is one of dishonor and broken engagements.

These objections however were disregarded, and after a discussion in the committee of the whole, which lasted five days, the bill was reported to the House on the 19th of May. There the discussion was renewed, and an amendment by Mr Storrs was proposed, prohibiting the occupation or pur-

chase of the lands or claims of any individual Cherokee, without the consent of the tribe by treaty. The 20th and 21st of May, had been set apart for special business, and although the Chairman of the Indian Committee moved each day to postpone the order of the day with the view of proceeding with the Indian bill, the House refused to suspend the rule — yeas 107, nays 88. It requiring a vote of two thirds, to carry the motion.

On the 24th of May, the Indian bill was again taken up, and the previous question having been demanded, a call of the House was made, when 196 members answered to their names — 17 only being absent.

The previous question was not seconded, only 78 members rising in favor of it, and Mr Storrs' amendment again came under consideration, when after some discussion, Mr Storrs withdrew his amendment, with the view of giving Mr Hemphill an opportunity to offer an amendment. The discussion was again renewed on the bill and Mr Desha again demanded the previous question, which was not seconded, 93 affirm. and 99 negative.

The discussion was continued until about 8 o'clock, when the amendment, reported by the Committee of the whole — viz. that in executing the provisions of the bill, the faith of treaties with the Indians should not be violated. was concurred in — 141 ayes, 53 nays.

Mr McDuffie then rose and said, he was satisfied it was the duty of the House to

come to a decision on this subject. He was not going into the argument, but he wished to say that this was a practical question. Whatever we may think here, said he, the State of Georgia had assumed an attitude from which she will not shrink; and if we refuse to exercise the power, which we may constitutionally assume on this question, the guilt of blood may rest upon us. I demand the previous question. This was not seconded; the House dividing 97 affirm. 98 neg. Mr Hemphill then rose to propose a substitute for the bill, which was, to provide for the appointment of three commissioners by the President and Senate, not to be residents of any of the States immediately interested, who should go through the Indian tribes, east of the Mississippi, and ascertain their disposition to emigrate; then to explore the country west of the Mississippi, and ascertain the quality and extent of the country which could be offered to the Indians, in exchange for their lands east of the river; whether it was adapted to the agricultural and hunting pursuits of Indians; and on what terms they would make the exchange, dispose of their improvements, &c, and remove; and report the whole to the President, to be laid before Congress at its next Session, with an account of the value of the lands belonging to the tribes east of the Mississippi, their present state of cultivation, the number of schools and churches, and of the scholars and members in the same; the present moral and political condition of the Indians, and the nature and

extent of their commerce, and also an estimate of the whole expense of the removal and maintaining the tribes one year after their removal, and appropriates \$30,000 to carry the provisions into effect. Mr Hemphill said it was not his intention to go into a discussion of the bill. But this had been called a party question, and the advocates of the bill had appealed to the friends of the administration to support the President in this measure. He denied that party feelings influenced him. The President had not a better friend than himself in the whole nation; but on a question, involving as this did, the moral and political character of the country, he could not yield up his own judgment to his regard for the President. Mr H. then briefly explained the object of his amendment, which was to obtain full information, and enable Congress to act understandingly, on this important question. The original bill proposed to place half a million of dollars in the hands of the Executive to effect a removal of the Indians. This was too great a responsibility for any Executive. The house should take the measure into its own hands, and indicate the mode and manner in which it should be effected.

Mr Thompson, of Georgia, said he had forborne to take up the time of the House in delivering his views at large on the bill, and he was therefore privileged, he thought, in again demanding the previous question (which would of course put by the amendment.) Accordingly, Tellers were appointed to count the House, who

reported 98 in favor of, and 98 against the previous question. The Speaker voted in the affirmative — and the motion for the previous question was seconded. Mr Miller then moved to postpone the bill, but the motion was negatived — 94 ayes, 103 nays. Mr Bates moved to adjourn, in order to give an opportunity to a gentleman absent from indisposition to vote, but the motion was lost — 84 ayes, 112 nays.

The previous question was then put, and the House being equally divided, 99 affir. and 99 neg., the Speaker voted in the affirmative, and the main question was ordered, which was, shall the bill be read a third time?

On this question the House divided, 102 ayes, 97 nays, and it being late in the night, a motion for adjournment finally prevailed.

The next day the subject was resumed, when Mr Hemphill moved, that the bill be recommitted, with instructions to amend it, as he had proposed to amend it the day before.

With the view of preventing this motion from being put, Mr Bell moved the previous question, which was again seconded after a call of the House by the casting vote of the Speaker 96 affir., 96 neg.

Upon putting the previous question however, it was negatived, 98 affir., 99 neg.

The effect of this decision was to remove the bill from before the House for the days which were devoted to other business. The 26th, the bill was again taken up, and Mr Hemphill's motion being still pending, the previous question

was again demanded, and after having been seconded, 98 *affir.*, 96 *neg.*, was carried, 101 *affir.*, 97 *neg.*

The question on the passage of the bill was then put and decided in the affirmative, 102 ayes, 97 nays. The bill having been thus forced through the House by the strength of the friends of the administration, was sent to the Senate for its concurrence in the amendments of the House.

The first amendment which was one of form, having been concurred in, a motion was made by Mr Frelinghuysen to amend the 2d amendment in relation to the observance of treaties, by adding a provision to protect the tribes, from all State encroachments, until they chose to remove.

This motion was negatived, 17 ayes, 26 nays.

An amendment offered by Mr F. to provide for their protection according to the provisions of the treaties was also rejected, 18 ayes, 24 nays. Mr Sprague then moved an amendment declaring, that the treaties should be fulfilled according to their true intent and meaning, which was rejected by the same vote, as was also an amendment offered by Mr Clayton, to confine the provisions of the act to the Indians residing within the state of Georgia. The second amendment was then concurred in by the Senate, and the bill, after receiving the sanction of the President, became a law.

The passage of this bill connected with the course taken by the President in relation to the Indians, formed an era in the policy of the United States respecting the aboriginal tribes.

On the face of the law, with the exception of that section, authorizing the purchase of improvements from individual Indians instead of a council of the tribe, there was nothing to which any serious objection could be urged. It purported to be a law to aid the Indians in emigrating beyond the Mississippi, and did not contemplate any other than a voluntary removal.

But in connexion with the proceedings in the legislatures of Georgia, Alabama, and Mississippi, and the construction put by the President on the constitutional powers of the Federal Government, it indicated an entire change in its policy toward the Indians.

Hitherto the Indian concerns had been deemed under the care of Congress, and the Executive had carried into effect, pursuant to his oath of office, the laws and treaties made by the treaty-making department.

The President now, however, had declared, that he could not, consistently with his view of the subject, interpose to prevent a State from extending her laws over the tribes, although in violation of treaties.

The Indian intercourse act made it the duty of the President to prevent any intrusion upon the territory of the Indians, with the view of preserving the treaties inviolate. This act had hitherto been faithfully executed by each successive administration, and the military power had been occasionally resorted to, in order to enforce its provisions.

The laws of Georgia now authorized an intrusion upon the Indian territory, for the purpose

of surveying it, and in extending the jurisdiction of the State over it, in effect rendered it subject to the intrusion of any person.

The laws of the States thus came directly in conflict with those of the United States, and as the President had determined not to execute the law of Congress, when it conflicted with State sovereignty, he in that manner adopted the State laws as part of the national policy, and this bill thus passed by Congress, although not in

terms, yet in effect came in aid of the local policy of those three Southwestern States, sanctioned as that policy was, by the new Federal Administration.

The Cherokees, however, refused to acquiesce in this policy, and determined to maintain, by all the means in their power, their rights as guaranteed by treaty.

In this unsettled, and unhappy condition they remained at the close of the period about which we are treating.

CHAPTER IV.

Opinions in South Carolina. — Proceedings in Southern States. — Nullification. — Public Lands. — System of disposing of same. — Pretensions of Indiana and Illinois. — Graduation Bill. — Mr Foot's Resolution. — Debate thereon. — Mr Hayne's Speech. — Mr Webster's Reply. — Effect of Discussion. — Graduation Bill passes the Senate. — Laid over in House. — Nullification Party.

THE tendency of the two parties, into which the American people were divided, to assume a local character has been noticed in the previous volumes of the Register, and it may be remarked as a general proposition, that the Southern States have, with the exception of South Carolina, been uniformly hostile to the exercise of power by the Federal Government. This State, although voting with the adjacent States on all local and on most national questions, had on some occasions, as in 1816, been foremost in asserting the right of Congress to legislate on certain disputed points. — Among these were the subjects of Internal Improvement, the United States Bank and the Tariff. A change of opinion had now taken place there, and it began to go beyond any of the advocates of State rights, in its assertion of State sovereignty. A vehement opposition to the tariff, both in

1824 and on the subsequent modification in 1828, had been led by the talented delegation from South Carolina in Congress, and when they were defeated in the Halls of Legislation, with characteristic energy they renewed their efforts to overturn the system and to render it unpopular with the people.

At first it was contemplated on its passage to resign their seats in Congress; and a meeting of the delegation was held at Washington with the view of deciding upon the steps which should be taken. This proposition was discussed, together with that of declaring the law to be void and of no effect within the State, and the chances of a successful resistance to the Federal Government were freely canvassed.

The delegation, however, did not concur in adopting violent measures, and it was determined to endeavor upon their return home to

rouse their constituents to a more effectual opposition to the protecting system. No exertions were spared to excite public feeling against the law. It was denounced as a measure local in its character, partial and oppressive in its operation, and unconstitutional in principle.

Having convinced themselves of this, they began to question the right of the Federal Government to require obedience, and almost simultaneously with the legislature of Georgia, which, December 24th, 1827, resolved to submit only to its own construction of the Federal Compact; the Senate of South Carolina instituted a committee to inquire into the powers of the Federal Government, in reference to certain subjects then agitated.

The report of this committee, which received the sanction of the State Senate on the twelfth and of the House on the nineteenth of December, 1827, asserted that the Federal Constitution was a compact originally formed, not between the people of the United States at large, but between the people of the different States as distinct and independent sovereignties; and that when any violation of the letter or spirit of that compact took place, it is not only the right of the people, but of the State Legislatures to remonstrate against it; that the Federal Government was responsible to the people whenever it abused or injudiciously exercised powers intrusted to it, and that it was responsible to the State Legislatures, whenever it assumed powers not conferred.

Admitting that, under the Constitution a tribunal was appointed to decide controversies, where the United States was a party, the report contended that some questions must occur between the United States and the States, which it would be unsafe to submit to any judicial tribunal. The Supreme Court had already manifested an undue leaning in favor of the Federal Government; and when the Constitution was violated in its spirit, and not literally, there was peculiar propriety in a State Legislature's undertaking to decide for itself, inasmuch as the Constitution had not provided any remedy.

The report then proceeded to declare all legislation for the protection of domestic manufactures to be unconstitutional, as being in favor of a local interest and that Congress had no power to legislate except upon subjects of general interest. The power to construct roads and canals, within the limits of a State, or to appropriate money for that purpose, was also denounced as unconstitutional, as was all legislation for the purpose of meliorating the condition of the free colored or the slave population of the United States.

On this last topic, it was intimated that no reasoning could take place between the United States and South Carolina. It was a question of feeling, too intimately connected with their tranquillity and safety to be discussed.

In remonstrating against these violations of the Constitution, the State should appear as a sovereign, and not as a suppliant before the National Legislature, and

resolutions, expressive of the approbation of the State Legislature of these principles, having passed both Houses, they were transmitted, with the report, to the delegation in Congress, to be laid before that body, then engaged in the consideration of the tariff.

That law having passed, the State Legislature, at the next session, sanctioned a protest, against it as unconstitutional, oppressive and unjust, which was transmitted to their Senators in Congress to be entered upon the journal of the Senate. This was done on the 10th of February, 1829. The change which took place in the Federal Government caused a belief that some satisfactory modification would be made of the tariff; and during the summer of 1829 the excitement appeared to be directed less against the administration and more concentrated against the law itself. The doctrine, however, of the right of a State to nullify an act of Congress was not relinquished, although it seemed to be conceded that it would be best to attempt first to procure the repeal of the obnoxious law. In these opinions the State Government of Georgia fully concurred. As a measure of policy, the tariff was equally unpopular, and the controversy respecting the Indians had been carried to that length, as to bring the State in collision with a law of Congress, and to induce the Legislature to declare that it should be disregarded and held void.

The Legislature of Virginia also declared its assent to the same principle of nullification by a vote

of 134 to 68; and judging from the opinions expressed by the public functionaries of those States, the time appeared to be near at hand when the Union was about to be dissolved by the determination of a large section not to submit to the laws of the Federal Government, nor to any common tribunal appointed to decide upon their constitutionality.

A check was indeed given to this spirit by the State of North Carolina, which, although not less averse to the policy of the tariff, declared itself against all violent measures in opposition to it.

The State of Alabama also in 1828, when remonstrating against the passage of the tariff, conceded the right of Congress to pass revenue laws, although the incidental effect might be to protect domestic manufactures. In 1829, indeed, it went farther and assumed nearly the same ground with Virginia, South Carolina and Georgia; still the qualified opposition first made to the law proved, that the South was not united in the unconstitutional stand taken by some of the States on that subject, and that the injustice and oppression which were so vehemently denounced, were not so plainly and generally felt as to render resistance to the tariff a popular step. Indeed it was doubted whether the feelings of the people in the three States, which had declared in favor of nullification, were not misrepresented by the local legislatures. However decidedly they might have disapproved of the policy of protection, no sufficient evidence had yet been given that they deemed it a

greater evil than disunion, and the declarations and resolutions put forth by the State Governments were justly considered as the sudden ebullitions of violent feelings or as efforts on the part of leading men to excite a tempest in the public mind for political effect. This movement was not rendered less dangerous by the motives of those who made it. When the storm began to rage, it would be impossible to control it. It might as easily break down the barriers of the Constitution and overturn the government, as annul an unpopular law. The federative principle of the Constitution and the whole authority of Congress and of the Federal Judiciary were put in issue by the question now started, and however unwilling the leaders might be to destroy the Union; still experience had too clearly shown the difficulty of restraining an excited people, not to create apprehension as to the result of these efforts to throw off the authority of the General Government. Similar movements in another portion of the Union, also originating in local interests, and aiming at an extension of State sovereignty, to the detriment of the just claims of the Federal Government, gave additional ground for these apprehensions. Efforts had been made of late years in some of the Western States, to induce them to claim, under pretence of their rights as sovereign States, the public lands belonging to the United States within their several limits.

The lands, forming the public domain of the country, were acquired by the Federal Government in two modes.

The portion west of the Mississippi, forming much the larger part is held under the Louisiana treaty, having been acquired by purchase from France. The residue was acquired at the treaty of 1783, the fruits of conquest from the crown of Great Britain. Several of the States set up claims to these lands, then lying beyond the farthest frontier settlements and west of the Alleghanies and inhabited only by Indian tribes; but after some dispute these claims were relinquished (New York setting the example) and the right of the United States acknowledged to all these lands, which were divided into the Northwest and Southwest or Mississippi territories.

Out of these territories, new States have been from time to time erected and admitted into the Union under certain conditions and stipulations inserted in the act of Congress, authorizing the inhabitants to form constitutions. These States have been settled chiefly by emigrants from the old thirteen States and the titles to their land have been derived mostly from the United States. Prior to the adoption of the Federal Constitution, but few sales had been made.

Three large tracts were sold, one called the triangle, north of Pennsylvania, east of Ohio and west of New York, on lake Erie, consisting of 202,187 acres, which was sold to the State of Pennsylvania, September 4th, 1778; one tract on the Ohio and Muskingum rivers, to the Ohio company, originally containing two million acres, but afterwards reduced by consent to 964,285 acres; and a

third tract between the Great and Little Miami, to John Cleves Symmes, containing at first one million, but afterwards reduced to 248,540 acres.

Besides these, 72,974 acres were sold in 1787, under the ordinance of 1785, for disposing of lands in the western territory and 48,566 acres in 1796, were also sold under the same ordinance. A regular system was afterwards adopted for the disposition of the public domain and Surveyor Generals appointed. In 1800, the acts containing the principal features of the present land system were passed.

They have been subsequently modified, and in 1820, cash sales were substituted for sales on credit; but as they now exist they are substantially as follows.

The public lands when surveyed, which is done under the superintendence of five Principal Surveyors, at the expense of the United States, are divided into townships of six miles square, and these are subdivided into 36 sections of a mile square, containing 640 acres each.

The dividing lines run east and west or north and south, though sometimes a navigable river or an Indian boundary creates a fractional section.

The section No. 16, in each township, is reserved for the support of the schools in the townships and distinct reservations are made for Colleges. Salt springs and lead mines are also reserved, subject to be leased by the President.

The other sections are offered for sale at public auction for cash,

under proclamations of the President at the minimum price of \$1,25 per acre. Lands not sold at public sale are afterwards subject to entry at private sale at the minimum price.

The whole public domain of the United States amounts to 1,063,000,000 acres, while the superficies of the States and territories, as owned by the States or their citizens, amount to less than 350,000,000 acres.

Of the public lands, where the Indian title has not yet been extinguished, 750,000,000 acres lie in the great Western Territory: 56,804,824 acres in Huron Territory, west of Michigan Lake: 11,411,040 acres in the Territories of Michigan and Florida, and 38,574,598 acres within the limits of States now members of the Union. Besides this, there are 72,892,661 acres in the Territories of Florida, Alabama and Michigan, and 132,780,037 acres within the limits of States where the Indian title has been extinguished.

About 150,000,000 acres have been surveyed up to the present time; of which 20,000,000 have been sold; 20,000,000 have been granted by Congress for education, internal improvement and other purposes; 80,000,000 have been proclaimed for sale and are now subject to entry at the minimum price, and 30,000,000 have not yet been proclaimed for sale on account of the want of demand. The annual expense of these surveys amounts to about \$70,000. The total expense of selling the public lands from 1800 to 1825 amounted to \$1,154,-

951, and the moneys received from the sales during the same period to \$31,345,964, besides \$7,955,831 due from purchasers, of which only part can be recovered.

Although the value of the land not sold is incomparably less in proportion to the quantity than that disposed of, the increase of population and the advancing settlement of the country is daily augmenting the value of the portion remaining unsold; and when we regard the future and compare it with the past, sufficient is seen to convince us that the public domain is of vast and incalculable importance to the Federal Government. Whether viewed as an economical or as a political question, it is one full of momentous results; and when taken in connexion with the claims of State sovereignties it becomes as delicate as it is important.

The large quantity of lands within the limits of States, now members of the Confederacy, must eventually give to that question an absorbing interest. It has even now begun to evince the character which renders it a dangerous question to the authority of the Federal Government, and connects the pretensions of the States agitating the subject with the claims and doctrines of the States of Virginia, South Carolina and Georgia. Acting upon the new principle advanced by Georgia in relation to the sovereignty of the State over all land within its limits, some of the new States have lately set up a claim to the property in the soil of all lands

not owned by individuals as an incident of sovereignty.

Complaints had been previously made of the system pursued by the United States, in disposing of the public domain. The principle of holding all lands in the hands of the Government which did not bring the minimum price, it was said, prevented emigrants from settling in those States, where the best lands had been preoccupied, and the population became thus sparsely scattered over a vast extent of country. A system of graduated prices according to their actual value would bring about the sale of large tracts now unsold, and which would remain unsold so long as more valuable land could be purchased farther west at the same price.

Donations of small tracts were also recommended to actual settlers; and a contest was obviously about to commence between those who, regarding the public domain as a fund for the common benefit, were desirous of making it productive to the treasury, by selling it upon liberal terms, and those who, looking only to the settlement of their several States, advocated the forcing the public territory into market without reference to the demand, or to anything except the promotion of local views and objects.

Memorials were sanctioned by some of the Western Legislatures, remonstrating against the existing mode of disposing of the public lands, and the State of Illinois intimated that if it were not changed grave questions would arise among them, whether the title of

the United States to the public lands was valid and binding over the new States, and whether the claims of the General Government, in relation to the public domain, were not inconsistent with the rights of the several States.

The memorial containing these doctrines was presented to the Senate of the United States in February, 1829; and about the same time the State of Indiana undertook to decide the question for herself, in the same manner that the Southern States gave their own construction of the Federal Compact as the only one to which they would submit. On the 9th of January, 1829, a resolution was adopted by the Legislature of that State in the following terms: 'Resolved by the General Assembly of the State of Indiana, that this State, being a sovereign, free and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated land within her acknowledged boundaries — which right was reserved to her by the State of Virginia in the deed of cession of the Northwest territory to the United States, being confirmed and established by the articles of confederation and the Constitution of the United States.'

Attempts, too, had been made in other States to excite dissatisfaction at the mode of selling public territory, adopted by the Federal Government, and to throw doubts upon the validity of its title to that portion within the limits of States. One of the measures

tending to excite and promote dissatisfaction on this subject, was a bill providing for the selling, at graduated prices, which was introduced into the Senate of the United States by Mr Benton, of Missouri, in 1826.* The Legislatures of Alabama, Illinois and Missouri, at different sessions, passed resolutions approving the principle of the bill.

By these movements public attention was strongly attracted towards this subject; and on the 29th day of December, 1829, Mr Foot, of Connecticut, introduced the following resolution into the Senate:

'Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of limiting, for a certain period, the sales of the Public Lands, to such lands only as have heretofore been offered for sale and are subject to entry at the minimum price, and also whether the office of Surveyor General may not be abolished without detriment to the public interest.'

The next day, on taking up this resolution, Mr Foot said he was induced to offer it from having ascertained that 72,000,000 acres still remained unsold at the minimum price; and that it appeared from the report of the Land Commissioner that the annual demand amounted to about one million acres, and that in one district in Ohio, where the land was of inferior quality and only 300,000 acres for sale, the cash sales amounted to \$35,000;

* This proposition was favorably received in the West.

while in other districts, where the land was of better quality, and larger tracts for sale, the sales amounted only to 2000.

He thought, therefore, it was proper to inquire into the expediency of stopping for a time this indiscriminate sale of public lands.

Mr Benton opposed this resolution as part of a systematic policy for crippling the growth of the West, which had been pursued for forty years. It was as old as the existence of the Government. The practical effect of the resolution would be to check emigration to the West—for who would move to a new country if it was not to get new lands? He was desirous of meeting the question now, and he would move to make it the order for a future day. Mr Noble was opposed to the resolution, but was willing to meet the question, and proposed to make it the order of the day for Monday next. Mr Benton wished a longer day and moved for its postponement to the succeeding Monday.

On the 18th of January, 1830, the subject was resumed and Mr Benton commenced a speech in opposition to the resolution, which he asserted was intended to stop the surveying of public lands; to abolish all the offices of the Surveyors General, and to limit the sales to the land now in market.

The effect of these measures would be to check emigration to the new States, to retard their settlement, to deliver up large portions of them to the dominion of wild beasts, and to remove all the land records from the new

States. He contended that the effect of the inquiry would be to alarm and agitate the West.

Two great attempts had been made to prevent emigration to the West, besides the one now making, to induce the people of the East to stay at home, and work in manufactories, instead of emigrating to the West. The first great attempt was in 1786; the scheme was, to give up the navigation of the Mississippi, for twentyfive or thirty years, to Spain; seven States north of Maryland, voted for that surrender; six States south of Maryland, inclusive, voted against it. In this attempt was to be discerned the germ of that policy by which the valley of the Mississippi had been dismembered, and her rivers amputated. The second great attempt was made by a committee of twelve in Congress, of whom eight were from the north, and four from the south of the Potomac. The committee were Messrs Long, of New Hampshire; R. King, of Massachusetts; Howell, of Rhode Island; Johnson, of Connecticut; R. R. Livingston, of New York; Stewart, of New Jersey; Gardiner, of Pennsylvania; Henry, of Maryland; Grayson, of Virginia; Williamson, of North Carolina; Ball, of South Carolina; and Houston, of Georgia. This committee reported the present plan of surveys of the public land; but they also reported a provision, which would have prevented a settlement out of sight of the Pennsylvania line. This was, that 'each township should be sold out complete, before any land was

offered in the next one.' This would have been fatal to the West. By the exertions of Virginia, and the whole South, aided by scattered reinforcements from the North, the provision was stricken out, and thus ended the second great attempt to injure the West. The object, however, had never been abandoned, and it could be seen at intervals, in refusing troops and money to defend the frontiers of the West, and to extinguish the Indian titles; and in Mr Adams' withdrawal from the market, in violation of law, of 1000 square miles in Missouri. The West must still look to the solid phalanx of the South for succor, until by the quiet superiority which the census of 1840 would give her, she could set all right.

On the 19th of January, Mr Smith of Maryland, expressed himself in favor of the inquiry, and of his personal knowledge denied that Mr Adams was the *first* to relinquish the *Colorado* as a boundary. Mr Adams said that *must* and *should* be our western boundary, and this occasioned a quarrel betwixt Mr Adams and Don Onis.

Mr Holmes of Maine objected to an attempt to charge one section with hostility to another. He had never been sectional. During the late war he had done what he could to sustain the West. The East hostile to the West! Where? When? In what act of Congress? Was it in the charter of July, 1787? Was it in providing by that able state paper for new States, and receiving them when they possessed 60,000 inhabitants? The fact of purchas-

ing lands showed that the East was not hostile to emigration; Mr Holmes replied to Mr Benton in detail. He stated that 200,000,000 of acres were now ready ad in the market for settlers.

Mr Woodbury, of New Hampshire, offered an amendment, which proposed an inquiry into the expediency of hastening the sales and extending more rapidly the surveys of public lands. He alluded to the bounties given to settlers in Canada, and the necessity of countervailing it.

Mr Foot, of Connecticut, opposed an amendment.

Mr Barton, of Missouri, would vote for the amendment.

Mr Smith of Maryland, could see no occasion for the amendment. He was in favor of an inquiry. The result of an inquiry would show that no hostility existed. The Senate had always been liberal to the new States and they had acknowledged it.

Mr Livingston, of Louisiana, said there was a regular and an irregular mode of doing business. By the regular mode, resolutions went to a committee; by the irregular mode, members undertook to furnish information and go into subjects at length. He wished the regular mode had been preferred. He was opposed to the original resolution, but in favor of the amendment.

Mr Sprague, of Maine, suggested a union of the two propositions, and Mr Foot, of Connecticut, accepted it; so the resolution as it stood, ordered an inquiry into the expediency of hastening as well as of limiting sales; and of extending more rapidly the sur-

veys, as well as of abolishing the office of Surveyor General.

Mr Hayne, of South Carolina, now rose and said, that to oppose inquiry was not necessarily an unparliamentary course. He concurred with the gentleman from Missouri, that it could never be right to *inquire into the expediency of doing a great and acknowledged wrong*. There were two great systems and two great parties in relation to the settlement of the public lands. One system was that which we had pursued, of selling the land at the highest price. Another was that of Great Britain, France, and Spain, of granting their lands for a penny or a peppercorn. He described the opposite results of these systems. That of the United States produced poverty and universal distress, and took away from the settlers all the profits of labor. It drained the new States of all their money in the same manner as the South, by the operation of the tariff, was drained to enrich more favored sections of the Union. The South could sympathize with the West. If the opposite system had been pursued, who could tell how much good, how much improvement, would have taken place, which has not, in the new States! But there was another purpose to which it was supposed the public land could be applied; viz. so as to create and preserve in certain quarters, a population suitable and sufficient for manufacturing establishments. It was necessary to create a manufactory of paupers, and these would supply the manufactories of rich proprietors and enable them to

amass great wealth. This doctrine was broached by the late Secretary of the Treasury.

The lands were pledged for the public debt. This would be paid in three or four years. He was in favor of a system, which looked to the total relinquishment, at that time, of the lands to the States in which they lie, at prices, he would not say nominal, but certainly so moderate, as not to keep the States long in debt to the United States. In the course of his remarks, Mr Hayne appealed to the gentlemen from the Atlantic States, if it was not true that the whole of their country was parcelled out and settled under the liberal system of Britain, instead of the hard and draining one, which we had hitherto pursued in regard to the West. Mr Hayne urged the necessity of distributing the lands to the States, from a regard to State sovereignty and the tendency of such a fund to produce consolidation.

Mr Webster, of Massachusetts, rose to reply, but gave way, on motion of Mr Benton, for an adjournment.

Wednesday, January 20th. Mr Webster took the floor. He denied that their was any analogy between the cases of the British colonies and the Western States. The British colonies fled from persecution, or came and settled here at their own charge and risk. Our frontier settlers were protected, and had the Indian title extinguished for them, at a great expense both of blood and treasure. A protecting arm was ever stretched over them. They had gone forth and continued under the shadow of the parent's wing.

He said that by the terms of relinquishment of the territory north-west of the Ohio, by the States of Virginia, Connecticut, and Massachusetts, and of acceptance, on the part of the United States, Congress had no right to apply the lands, or the proceeds of them, to any other purposes, than for the *common benefit of all the States*; or to relinquish the administration of these lands to any other power or agent, for the compact is, that the lands *shall be settled, at such time, and in such manner as Congress shall prescribe*. The gentleman from South Carolina had admitted that the lands were pledged for the public debt; but there was an earlier mortgage, coeval with the cessions by the States. Mr Webster drew a powerful picture of what Ohio was, and of what she now is, and inferred from the contrast, that no hard and harsh system of policy had been pursued toward her. In regard to the danger of corruption, from considering the lands as a common fund, he said they had been appropriated for education; does education corrupt? is the school-master a corrupter of youth? for roads and canals; do good roads and navigable waters corrupt the people? There were men, who seemed to deprecate everything which created a common interest in the States to keep together! It was called consolidation. For his part he liked it; it was constitutional consolidation; it was Gen. Washington's consolidation. In the letter, submitting the Constitution, the framers of it used these words, 'consolidation of the

Union.' He [Mr W.] was a *unionist*, and in this sense, a *national republican*. And in regard to the public debt, though he wished it discharged as onerous to the industry of the country, yet if a collateral consequence of it were to add a new bond to the Union, he should not regret that consequence.

But the tariff, and the East, the obnoxious, the rebuked, and always reproached East! The tariff was not a measure of the East: on the contrary, until the policy was irrevocably adopted, she always opposed it. Up to the year 1824, Virginia had given more votes in favor of it than Massachusetts. The State of Massachusetts was then blamed because she would not vote for it, and now she is blamed, because, accommodating herself to the situation into which she was forced, she votes for it! Mr Webster adverted to the ordinance of 1787, by which our present system, in regard to the settlement and admission of new States, north of the Ohio, had been established, and to the great advantage secured to Ohio by the exclusion of slavery. That ordinance was drawn by Nathan Dane, of Massachusetts; and for wisdom, it was not surpassed by the legislation of Numa or Solon. This had not only excluded slavery but litigation, preventing land from being *shingled* over with titles thirty deep, as was the case south of the Ohio. Mr Webster here went into an analysis of votes on measures for the benefit of the West, for the making and repairs of Cumberland Road, for Louisville and Portland Canal,

for the Wabash Canal, &c, and showed that if the Eastern votes were stricken out, those and similar measures would have been lost, and the improvements, never made. And here Mr Webster read from a report of a debate, in the House of Representatives, in 1825, in which Mr McDuffie, of South Carolina, had advanced and supported the sentiment, that it would have been better for the prosperity and wealth of the old thirteen States, if no lands had ever been sold or settled; that the whole southern country was decaying, by her population being absorbed in the vortex of new States. In the same debate, Mr Webster had replied to Mr McDuffie, and expressed his willingness that the population should go where Providence and their own ideas of profit and happiness led them. He said that the remarks of the gentleman from South Carolina opened to him some new views of policy. He [Mr W.] knew that some States had very bad roads. He thought he could now see the reason. It was that the inhabitants might not be *able* to go away! These extracts showed that in 1825, the leading representative from South Carolina had expressed, and the whole delegation of that State had acquiesced in those illiberal, narrow, anti-emigration feelings and views, which the gentleman from South Carolina had now charged upon Massachusetts and the Atlantic States of the North; and that a representative from Massachusetts had combatted, with argument and ridicule, those feelings and views, and had professed and advocated

the liberal sentiments, in regard to emigration, for which the gentleman from South Carolina now claimed exclusive credit.

Mr Webster concluded by observing, that during the whole fifteen years that he had been a representative or senator, he had never made so many remarks of a sectional character, as he had in the present debate; but while he stood here as the representative of Massachusetts, he would be her true representative, and by the blessing of God he would vindicate her character, motives, and history, from every imputation, *coming from a respectable source.*

Mr Benton, of Missouri, rose in reply. He said, that if it had depended on New England,—he would proclaim it to the world,—not a settlement would have been made in the West. He repeated his arguments in relation to the Spanish Treaty, and the non-settlement clause; he said the motive of the North, for acceding to the surrender of the navigation of the Mississippi, was to have Spain take train oil and codfish from us, *id est*, from *New England*. God save us, said Mr B., from such allies. He joined issue with the gentleman from Massachusetts, as to the benefits conferred by the East upon the West.

Thursday, January 21. Mr Chambers, of Maryland, hoped that the Senate would postpone the discussion until Monday, as Mr Webster, who had taken a part in it, and wished to be present at it, had unavoidable engagements out of the Senate, and could not conveniently attend.

Mr Hayne, of South Carolina, said that some things had fallen from the gentleman from Massachusetts, which had created sensations *here*, [touching his breast,] from which he would desire at once to relieve himself. The gentleman had discharged his weapon, and he [Mr H.] wished for an opportunity to return the fire!

Mr Webster. I am ready to receive it; let the discussion proceed.

Mr Benton, of Missouri, then continued his remarks, denying that the credit of framing the ordinance of 1787 was due to Nathan Dane; it belonged to Mr Jefferson and the South. Mr Benton said, that in New England there was a dividing line between the friends of the West, and those who thought it 'unbecoming a moral and religious people to rejoice at victory.' On one side was democracy; on the other, all that was opposed to democracy; the alliance of the latter party offered yesterday to the West, he begged leave, in behalf of the West, to decline. On all the questions in which the West had an interest, the South had been its friend; and the North, if not all, at least its leaders, enemies! Massachusetts, who now came forward to offer an alliance, was found, on every question, opposed to generous, magnanimous Virginia.

Mr Bell of New Hampshire, moved to postpone further discussion until Monday, which was negatived, ayes 13, noes 18.

Mr Hayne then said, when he took occasion, two days ago, to

throw out some ideas with respect to the policy of the Government in relation to the public lands, he did not expect to be called upon to meet such an argument as was urged by the gentleman from Massachusetts. I charged no party, or State, or section of country with hostility to any other, but ventured I thought, in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. The gentleman from Missouri, [Mr Benton] it is true, had charged upon the Eastern States an early and continued hostility towards the West, and referred to a number of historical facts and documents in support of that charge. How have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges which *he had preferred*, chooses to consider me as the author of those charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience — of acknowledged talents and profound sagacity — pursuing a course like this, declining the

contest from the West, and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Why is this? If it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. The South shall not be forced into a conflict not its own. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter.

The gentleman, in commenting on the policy of the Government, in relation to the new States, has introduced to our notice a certain *Nathan Dane*, of Massachusetts, to whom he attributes the celebrated Ordinance of '87, by which he tells us, '*slavery* was forever excluded from the new States north of the Ohio.' After eulogizing the wisdom of this provision, in terms of the most extravagant praise, he breaks forth in admiration of the greatness of *Nathan Dane*. It is a little unfortunate for the fame of this great legislator, that the gentleman from Missouri should have proved that he was not the author of the Ordinance of '87. I doubt not the Senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that until he informed us yesterday, that we possessed a *Solon* and a *Lycurgus*, in the person of *Nathan Dane*, he was only known to the South as a member of a celebrated assembly,

called and known by the name of the '*Hartford Convention*.' In the proceedings of that assembly, which I hold in my hand, will be found, in a few lines, the history of *Nathan Dane*; and a little further on, there is conclusive evidence of that ardent devotion to the interests of the new States, which it seems has given him a just claim to the title of '*Father of the West*.' By the second resolution of the '*Hartford Convention*,' it is declared, '*that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States, and admit them into the Union.*' So much for *Nathan Dane*, of *Beverly*, *Massachusetts*.

In commenting upon my views, in relation to the public lands, the gentleman insists, that it being one of the conditions of the grants, that these lands should be applied to '*the common benefit of all the States, they must always remain a fund for revenue*;' and adds, '*they must be treated as so much treasure.*' I think he has applied a rule of construction too narrow for the case. If in the deeds of cession, it has been declared that the grants were intended for '*the common benefit of all the States*,' it is clear, from other provisions, that they were not intended merely as '*so much property*'; for it is expressly declared, that the object of the grants is the erection of new States; and the United States, in accepting this trust, bind themselves to facilitate the formation of these States, to be admitted into the Union, with all the rights

and privileges of the original States. This, sir, was the great end to which all parties looked, and it is by the fulfilment of this high trust that 'the common benefit of all the States' is to be best promoted. But if we are bound to act on these narrow principles, I am wholly at a loss to conceive how he can reconcile them with his own practice. The lands are, it seems, to be treated 'as so much treasure,' and must be applied to the 'common benefit of all the States.' Now, if this be so, whence does he derive the right to appropriate them for partial and local objects. How can he consent to vote away immense bodies of these lands, for canals in Indiana and Illinois, to the Louisville and Portland Canal, to Kenyon College, in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made for the 'common benefit of all the States,' it can only be, because all the States are interested in the welfare of each—a principle which, carried to the full extent, destroys all distinction between local and national objects; and is certainly *broad enough* to embrace the principles for which I have ventured to contend. The true difference between us, I take to be this; the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred

trust, which we ought to fulfil, on the principles for which I have contended.

The Senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of the East towards the West, with sentiments of an opposite character displayed by the South, in relation to appropriations for *internal improvement*. That gentleman at the same time, acknowledged that the South entertains *constitutional scruples* on this subject. Are we then, sir, to understand that he considers it a just subject of reproach, that we respect our oaths, by which we are bound 'to preserve, protect and defend the Constitution of the United States?' No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship manifested by New England towards the West, in their support of the system of internal improvement, the gentleman will pardon me for saying, that I think he is equally unfortunate in having introduced that topic. As he has forced it upon us, however, I cannot suffer it to pass unnoticed. When he tells us that the appropriations for internal improvement in the West, would, in almost every instance, have failed, but for New England votes, he has forgotten to tell us the *when*, the *how* and the *wherefore*, this new born zeal for the West sprung up in the bosom of New England. If we look back only a few years,

we will find, in both Houses of Congress, a uniform and steady opposition, on the part of the members from the Eastern States, generally, to all appropriations of this character.

It must be well known to every one whose experience dates back as far as 1825, that up to a *certain period*, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and 1825, however, (a memorable era in the history of this country) a wonderful change took place in New England, in relation to Western interests. An extraordinary union of sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read, contains the first public announcement of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators of the East and the West. Sir, it was on the 18th January, 1825, while the result of the Presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall, where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the house and in the nation, 'taking sweet counsel together,' and in a celebrated debate on the *Cum-*

berland Road, fighting side by side for *western interests*. It was on that memorable occasion that the Senator from Massachusetts *held out the white flag to the West*, and uttered those liberal sentiments, which he, yesterday, so indignantly repudiated. Then it was, that that happy union between the members of the celebrated *coalition* was consummated, whose immediate issue was a President from *one quarter of the Union*, with a succession, (as was supposed) *secured to another*. The 'American System,' before a rude, disjointed and misshapened mass, now assumed form and consistency. Then it was, that it became 'the settled policy of the Government,' that this system should be so administered as to create a reciprocity of interests, and a reciprocal distribution of government favors, — East and West, (the tariff and internal improvements) while the South — yes, sir, the impracticable South, was to be 'out of your protection.'

The gentleman from Massachusetts, in alluding to a remark of mine, that, before any disposition could be made of the public lands, the *national debt* (for which they stand pledged) must be first paid, took occasion to intimate 'that the *extraordinary fervor* which seems to exist in a *certain quarter* [meaning the South, sir] for the payment of the debt, arises from a disposition *to weaken the ties which bind the people to the Union*.' While he deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until

I find this disposition manifested by something stronger than professions. Sir, if I were at liberty to judge of the course which he would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude, that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt.

Sir, let me tell that gentleman, that the South repudiates the idea that a *pecuniary dependence* on the Federal Government is one of the legitimate means of holding the States together. A moneyed interest in the Government is essentially a *base interest*. The link which binds the public creditors, *as such*, to their country, binds them equally to all Governments, whether arbitrary or free. In a free Government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the Government by the strong link of *pecuniary interests*; millions of people, entire sections of country, interested, or believing themselves to be so, in the public lands, and the public treasure, are bound to the Government by the expectation of *pecuniary favors*. If this system is carried much farther, no man can fail to see, that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, grovelling, base and

selfish feelings which bind men to the footstool of a despot by bonds as strong and enduring as those which attach them to free institutions.

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the side of New York. To all this I was disposed most cordially to respond. When, however, he proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great, and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity, to the policy of Nathan Dane, of Massachusetts, which had secured to the people of Ohio, (by the Ordinance of '87) a *population of free men*, I will confess that my feelings suffered a revulsion, which I am now unable to describe in any language sufficiently respectful towards the gentleman from Massachusetts. In contrasting the State of Ohio with Kentucky, for the purpose of pointing out *the superiority of the former*, and of attributing that superiority to *the existence of slavery* in the one State, and its absence in the other, I thought I could discern *the very spirit of the Missouri question* intruded into this debate, for objects best known to

the gentleman himself. Did that gentleman, when he formed the determination to cross the southern border, in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners *the prejudices of the world*, which, like *Swiss troops*, may be engaged in any cause, and are prepared to serve under any leader? Or was it supposed that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of *our supposed weakness*, in order to prevent us from making that firm and manly resistance, due to our own character and our dearest interest? Mr President, the impression which has gone abroad, of the *weakness of the South*, as connected with *the slave question*, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman of Massachusetts, to declare that we are ready to meet the question promptly and fearlessly.

We are ready to make up the issue with the gentleman, as to the influence of slavery on individual and national character — on the prosperity and greatness, either of the United States, or of particular States. When arraigned before the bar of public opinion, on his charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor

whether his color and condition are the effects of a curse inflicted for the offences of his ancestors? We deal in no *abstractions*. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that 'accursed traffic.' But we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day, *found it ready made to our hands*. Finding our lot cast among a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of *obligation and duty*. We resolved to make the best of the situation in which Providence had placed us, and to fulfil the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral and intellectual habits and character, totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here

is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence.

It is a popular error to suppose that, in any possible state of things, the people of a country could be called out *en masse*, or that half, or a third, or even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is not to procure men, but to provide the *means of maintaining them*; and in this view of the subject it may be asked whether the Southern States are not a source of *strength and power*, and not of *weakness* to the country?

I know it has been supposed by certain ill-informed persons, that the South exists only by the countenance and protection of the North. This is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every state of this Union, except one, the free white population actually preponderates; while in the British West India Islands, (where the average white population is *less than ten per cent of the whole*) the slaves are kept in entire subjection; it is preposterous to suppose that the

Southern States could ever find the smallest difficulty in this respect. On this subject, as on all others, we ask nothing of our Northern brethren but to 'let us alone.' Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more.

But, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on *individual or national character*. Look through the whole history of the country, from the commencement of the revolution down to the present hour, where are there to be found brighter examples of intellectual and moral greatness, than have been exhibited by the sons of the South? From the FATHER OF HIS COUNTRY, down to the DISTINGUISHED CHIEFTAIN, who has been elevated by a grateful people to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country, and the benefactors of mankind. Look at 'the Old Dominion,' great and magnanimous Virginia, 'whose jewels are her sons.' Is there any State in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question — I will acknowledge the fatal effects of slavery upon character, if any one can say, that for noble disinterestedness, ardent love of country,

exalted virtue, and a pure and holy devotion to liberty, the people of the Southern States have ever been surpassed by any in the world.

In the course of my former remarks, Mr President, I took occasion to deprecate, as one of the greatest evils, *the consolidation of this Government*. The gentleman takes alarm at the sound. '*Consolidation*, like the *tariff*,' grates upon his ear. He tells us 'we have heard much of late about consolidation; that it is the rallying word for all who are endeavoring to *weaken the Union*, by adding to the power of the States.' But consolidation (says the gentleman) was the very object for which the Union was formed; and, in support of that opinion, he read a passage from the address of the President of the Convention to Congress, which he assumes to be authority on his side of the question. The gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the *consolidation of the Government*, but 'the consolidation of the Union.' It was not to draw power from the States in order to transfer it to a great National Government, but, in the language of the Constitution itself, 'to form a *more perfect Union*,' — and by what means? By 'establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity?' But, according to the gentleman's reading, the object of the Constitution was to *consolidate the Government*, and the means would seem to be, the

promotion of *injustice*, causing domestic *discord*, and depriving the States and the people 'of the blessings of liberty' forever.

The gentleman boasts of belonging to the party of NATIONAL REPUBLICANS. National Republicans! — a new name, for a very old thing. The national republicans of the present day were the *federalists* of '98, who became *federal republicans* during the war of 1812, and were *manufactured* into *national republicans* somewhere about the year 1825. *As a party*, (by whatever name distinguished,) they have always been animated by the same principles, and have kept steadily in view a common object, *the consolidation of the Government*. The party to which I am proud of having belonged, from the very commencement of my political life to the present day, were the *Democrats* of '98, (*Anarchists, Anti-Federalists, Revolutionists*, I think they were sometimes called.) They assumed the name of *Democratic Republicans* in 1822, and have retained their name and principles up to the present hour. True to their political faith, they have always, *as a party*, been in favor of *limitations of power*; they have insisted that all powers not delegated to the Federal Government are reserved; and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being swallowed up by one great consolidated government.

The true distinction between these parties is laid down in a celebrated manifesto issued by the Convention of the Federalists of

Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the reelection of Governor Eustis. The gentleman will recognise this as 'the canonical book of political scripture;' and it instructs us that, 'when the American Colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a NATIONAL UNION — (not a *federal* Union, sir, but a National Union.) Those who were in favor of a *union of the States in this form*, became known by the name of *federalists*; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of *anti-federalists*.

The honorable gentleman from Massachusetts, while he exonerates me personally, from the charge, intimates that there is a party in the country who are looking to disunion. If he had stopped there, the accusation would have 'passed by me as the idle wind which I regard not.' But when he goes on to give to his accusation a local habitation and a name, by quoting the expression of a distinguished citizen of South Carolina, (Dr Cooper) 'that it was time for the South to calculate the value of the Union,' and in the language of the bitterest sarcasm, adds, 'surely then the Union cannot last longer than July, 1831,' — it is impossible to mistake either the allusion, or the object of the gentleman. The Senate will do me the justice to remember, that at the time this unprovoked and uncalled for at-

tack was made upon the South, not one word had been uttered by me, in disparagement of New England, nor had I made the most distant allusion either to the Senator from Massachusetts, or the State he represents. But, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. When he provokes me to such a conflict, I meet him at the threshold.

It is with unfeigned reluctance, Mr President, that I enter upon the performance of this part of my duty — I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, 'that he lives in a glass house' — on his head be the consequences. If there be one State in the Union, Mr President, (and I say it not in a boastful spirit) that may challenge comparisons with any other for a uniform, zealous, ardent and uncalculating devotion to the Union, that State is South Carolina. From the very com-

mencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection.

What, sir, was the conduct of the South during the Revolution? I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren, with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create a commercial rivalry, they might have found in their situation a guarantee, that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations either of interest or of safety, they rushed into the conflict, and fighting for principle, perilled all, in the sacred cause of freedom. Never was there exhibited in the history of the world higher examples of noble daring, dreadful suffering and heroic endurance, than by the whigs of Carolina, during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The 'plains of Carolina' drank up the most precious blood of her citizens! Black and

smoking ruins marked the places which had been the habitations of her children! Driven from their homes, into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived; and South Carolina (sustained by the example of her Sumpters and her Marions,) proved by her conduct, that though her soil might be overrun, the spirit of her people was invincible.

But our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle. I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life; and in the emphatic language of Mr Jefferson, 'saved the Constitution at its last gasp.' And by whom was it achieved? By the South, aided only by the democracy of the North and West.

I come now to the war of 1812, a war which I well remember was called in derision, (while its event was doubtful,) the Southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honor and prosperity of the country, than all other events in our history put together. What were the objects of that war? 'Free trade and sailors' rights!' It was for the protection of Northern shipping and New England seamen, that the country flew to arms. What interest had the

South in that contest? If they had sat down coolly to calculate the value of their interests involved in it, they would have found that they had everything to lose, and nothing to gain. But with that generous devotion to country so characteristic of the South, they only asked, if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and acting on that exalted sentiment 'which feels a stain like a wound,' they resolved to seek in open war, for a redress of those injuries, which it did not become freemen to endure. The whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree, to the success of that war, to which Southern councils and Southern valor did not largely contribute. Since South Carolina is assailed, I must be suffered to speak it to her praise, that at the very moment when in one quarter, we heard it solemnly proclaimed 'that it did not become a religious and moral people to rejoice at the victories of our army or our navy,' her Legislature unanimously

'Resolved, That we will cordially support the Government in

the vigorous prosecution of the war, until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us, by our Government, for the accomplishment of this object.'

South Carolina redeemed that pledge. She threw open her treasury to the Government. She put at the absolute disposal of the officers of the United States all that she possessed — her men, her money and her arms. She appropriated half a million of dollars, on her own account, in defence of her maritime frontier, ordered a brigade of State troops to be raised, and when left to protect herself by her own means, never suffered the enemy to touch her soil, without being instantly driven off or captured.

Such was the conduct of the South — such the conduct of my own State in that dark hour 'which tried men's souls.'

When I look back and contemplate the spectacle exhibited at that time, in another quarter of the Union, when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts — nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom

does the accusation come? Not from the Democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from that party, whose acts, during the most trying and eventful period of our national history, were of such a character that their own Legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend and a memory to retain, the events of that day? I shall not attempt to write the history of the party in New England, to which I have alluded — the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country, during the war, and actually achieved all our victories by land and sea. In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connexion with the war, and the events which immediately preceded it.

It will be recollected that our great causes of quarrel with Great Britain, were her depredations on Northern commerce, and the impressment of New England seamen. From every quarter we were called upon for protection.

Importunate as the West is now represented to be, on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials and remonstrances, from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress.

The conduct of Great Britain, we were then told, was 'an outrage upon our national independence.' These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the Governor of one of the New England States, as late as the 10th of October, 1811, this language is held: 'A manly and decisive course has become indispensable: a course to satisfy foreign nations, that while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves, when our commerce or our territory is invaded with impunity.'

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection, converted into reproaches.

The war at length came, and what did we behold? The very men who had been for six years

clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light had suddenly beamed upon their minds, the scales fell from their eyes, and it was discovered that the war was declared from 'subserviency to France;' and that Congress and the Executive 'had sold themselves to Napoleon;' that Great Britain had in fact 'done us no essential injury;' that she was 'the bulwark of our religion;' that where 'she took one of our ships, she protected twenty,' and that if Great Britain had impressed a few of our seamen, it was because 'she could not distinguish them from her own.' And so far did this spirit extend, that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere*, the *Macedonian*, the *Java*, and other British ships (captured by the skill and gallantry of those heroes, whose achievements are the treasured monuments of their country's glory), fixed the number at seven thousand; and yet,

it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war, indeed! Their ships, too, the capture of which had threatened 'universal bankruptcy,' it was discovered that Great Britain was their friend and protector; 'where she had taken one, she had protected twenty.' Then was the discovery made that subserviency to France, hostility to commerce, 'a determination on the part of the South and the West to break down the Eastern States, and especially (as reported by a committee of the Massachusetts Legislature), to force the sons of commerce to populate the wilderness,' were the true causes of the war.*

But let us look a little farther into the conduct of the peace party of New England, at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that when once involved in the contest, all America would have cordially united in its support. The war effected, in its progress, a union of all parties at the South. But not so in New England; there, great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the Government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, 'the Island

* Olive Branch, pages 134—291.

of Elba ! or a halter !' were the alternatives they presented to the excellent and venerable James Madison. The war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate Custom House. Yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace, could without scruple claim and exercise the right of carrying on a free trade with the enemy in a time of war ; and finally by getting up the renowned ' Hartford Convention,' and preparing the way for an open resistance to the Government, and a separation of the States. If I am asked for the proof of those things, I fearlessly appeal to cotemporary history, to the public documents of the country, to the recorded opinions, and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself.

Mr Hayne then proceeded to illustrate the prevailing feeling in the Eastern States during the war, by reading extracts from the Olive Branch, in which are collected quotations from the speeches of excited partisans, fast sermons of political divines, and essays in newspapers, with the design of proving the disaffection of the inhabitants of those States at that critical moment. He then said, that —

As soon as the public mind

was sufficiently prepared for the measure, the celebrated Hartford Convention was got up ; not as an act of a few unauthorized individuals, but by authority of the Legislature of Massachusetts. I do not desire to call in question the motives of the gentlemen who composed that assembly. I knew many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say, that if the authors of the Hartford Convention believed, that ' gross, deliberate, and palpable violations of the Constitution' had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, in any view of the case, the time when, and the circumstances under, which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the Government was involved. It will be recollected that its credit was nearly gone. Washington had fallen, the whole coast was blockaded, and an immense force collected in the West Indies was about to make a descent, which it was supposed we had no means of resisting. In this awful state of our public affairs, when the Government seemed almost

to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of 'reducing us to unconditional submission' — we beheld the peace party of New England (in the language of the work before us), pursuing a course calculated to do more injury to their country, and to render England more effective service than all her armies. Those who could not find in their hearts to rejoice at our victories, sang *Te Deum* at the King's Chapel, in Boston, for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerriere*, could give visible tokens of their joy at the fall of Detroit. The 'beacon fires' of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight, the very lights burned blue. Such were the dark and portentous signs of the times, which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears, that their chief object was to keep back the men and money of New England from the service of the Union, and to effect radical changes in the Government — changes that can never be effected without a dissolution of the Union.

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this history, if the measures recommended had been carried into effect; and if, with the men

and money of New England withheld from the Government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy, and if, without troops and almost destitute of money, the Southern and the Western States had been thrown upon their own resources for the prosecution of the war, and the recovery of New Orleans? Whatever may have been the issue of the contest, the Union must have been dissolved. But a wise and just Providence, which 'shapes our ends, rough-hew them as we will,' gave us the victory, and crowned our efforts with a glorious peace. The ambassadors of Hartford were seen retracing their steps from Washington, 'the bearers of the glad tidings of great joy.' Courage and patriotism triumphed — the country was saved — the Union was preserved. And are we, Mr President, who stood by our country then; who threw open our coffers; who bared our bosoms; who freely perilled all in that conflict, to be reproached with want of attachment to the Union? If we are to have lessons of patriotism read to us, they must come from a different quarter.

Mr President, I wish it to be distinctly understood, that all the remarks I have made on this subject, are intended to be exclusively applied to a party, which I have described as, the 'peace party of New England.' Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady

habits and hardy virtues, I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, 'that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise, have been more than equalled by this "recent people."' Hardy, enterprising, sagacious, industrious, and moral, the people of New England of the present day, are worthy of their ancestors. Still less, Mr President, has it been my intention to say anything that could be construed into a want of respect for that party, who, trampling on all narrow, sectional feelings, have been true to their principles in the worst of times—I mean the Democracy of New England.

I will declare, that, highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles 'through good and through evil report,' who, at every period of our national history, have stood up manfully for 'their country, their whole country, and nothing but their country.' In the great political revolution of '98, they were found united with the democracy of the South, marching under the banner of the constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, in the darkest and most gloomy period of the war, when our country stood single handed,

against 'the conqueror of the conquerors of the world,' when all about and around them was dark and dreary, disastrous and discouraging, they stood, a Spartan band, in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, struggling side by side, with their brethren of the South and the West, for popular rights, and assisting in their glorious triumph, by which the man of the people was elevated to the highest office in their gift.

Who, then, Mr President, are the true friends of the Union? Those who would confine the Federal Government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the Government in a spirit of equal justice would make it a blessing, and not a curse. And who are its enemies? Those who are in favor of consolidation—who are constantly stealing power from the States, and adding strength to the Federal Government. Who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, of all descriptions of men, I consider those as the worst enemies of

the Union, who sacrifice the equal rights which belong to every member of the confederacy, to combinations of interested majorities, for personal or political objects.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against 'a gross, palpable, and deliberate violation of the Constitution.' He calls it 'an idle' or a 'ridiculous notion,' or something to that effect, and added, that it would make the Union 'a mere rope of sand.' As the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies, and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the legislature in December, 1828, and published by their authority, it is the good old republican doctrine of '98 — the doctrine of the celebrated 'Virginia Resolutions' of that year, and of 'Madison's Report' of '99. It will be recollected that the legislature of Virginia in December, '98, took into consideration the Alien and Sedition laws, then considered by all republicans as a gross violation

of the Constitution of the United States, and on that day passed, among others, the following resolutions.

'The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.'

In addition to the above resolution, the General Assembly of Virginia 'appeal to the other States, in the confidence that they would concur with that Commonwealth, that the acts aforesaid [the alien and sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for cooperating with Virginia in maintaining, unimpaired, the authorities, rights and liberties, reserved to the States respectively, or to the People.'

The Legislatures of several of the New England States having, contrary to the expectation of the Legislature of Virginia, expressed their dissent from these doctrines; the subject came up again for

consideration, during the session of 1799, 1800, when it was referred to a select committee, by whom was made that celebrated report, which is familiarly known as 'Madison's Report,' and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the Legislature, the whole subject was deliberately re-examined, and the objections urged against the Virginia doctrines carefully considered. The result was, that the Legislature of Virginia re-affirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report, which has stamped the character of Mr Madison as the preserver of that Constitution which he had contributed so largely to create and establish.

But our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted these celebrated resolutions, well known to have been penned by the Author of the Declaration of American Independence. In those resolutions the Legislature of Kentucky declares 'That the government created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party had an equal right to judge for itself, as well of infractions as of the mode and measure of redress.'

At the ensuing session of the Legislature, the subject was re-examined, and on the 14th November, 1799, the resolutions of the preceding year, were deliberately reaffirmed, and it was among other things solemnly declared :

'That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the erection upon their ruins of a general consolidated government will be the inevitable consequence. The principles of construction contended for by sundry of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification by those sovereignties, of all authorized acts done under color of that instrument, is the rightful remedy.'

Time and experience confirmed Mr Jefferson's opinion on this all important point. In the year 1821, he expressed himself in this emphatic manner. 'It is a fatal heresy to suppose that either our State Governments are superior to the Federal, or the Federal to the States; neither is authorized literally to decide which

belongs to itself or its copartner in government: in differences of opinion, between their different sets of public servants, the appeal is to neither, but to their employers peaceably assembled by their representatives in Convention.' The opinion of Mr Jefferson on this subject has been so repeatedly and so solemnly expressed, that they may be said to have been among the most fixed and settled convictions of his mind.

In the protest prepared by him for the Legislature of Virginia, in December, 1825, in respect to the powers exercised by the Federal Government in relation to the Tariff, and Internal Improvements, which he declares to be 'usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it,' — he solemnly reasserts all the principles of the Virginia resolutions of '98 — protests against 'these acts of the Federal branch of the Government as null and void, and declares that although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater — submission to a Government of unlimited powers. It is only when the hope of this shall become so absolutely desperate that further forbearance could not be indulged.'

Such, sir, are the high and imposing authorities in support of 'the Carolina doctrine,' which is in fact the doctrine of the Virginia resolutions of 1798.

At that day the whole country was divided on this very question.

It formed the line of demarcation between the federal and republican parties, and the great political revolution which then took place, turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr Jefferson, 'saved at its last gasp.' I should suppose it would require more self-respect than any gentleman here would be willing to assume, to treat lightly, doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen, whether South Carolina has not manifested a high regard for the Union, when under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no farther than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional, and utterly destructive of her interests. South Carolina has not gone one step farther than Mr Jefferson himself was disposed to go in relation to the present subject of our present complaints — not a step farther than the statesmen from New England were disposed to go under similar circumstances; no farther than the senator from Massachusetts himself once considered as within 'the limits of a constitutional opposition.' The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal Government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citi-

zens of Boston, who assembled in Faneuil hall, on the 25th of January, in 1809. They state, in that celebrated memorial, that 'they looked only to the State legislature, who were competent to devise relief against the unconstitutional acts of the General Government. That your power, (say they) is adequate to that object, is evident from the organization of the confederacy.'

A distinguished senator from one of the New England States, (Mr Hillhouse,) in a speech delivered here, on a bill for enforcing the embargo, declared — 'I feel myself bound in conscience to declare, (lest the blood of those who shall fall in the execution of this measure shall be on my head,) that I consider this to be an act which directs a mortal blow at the liberties of my country — an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit.'

And the senator from Massachusetts, himself, in a speech delivered on the same subject in the other House, said, 'this opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discre-

tion, they will walk, and walk fearlessly.' How 'the being of the Government' was to be endangered by 'constitutional opposition' to the embargo, I leave to the gentleman to explain.

Thus, will be seen, Mr President, that the South Carolina doctrine is the republican doctrine of '98; that it was promulgated by the fathers of the faith — that it was maintained by Virginia and Kentucky in the worst of times — that it constituted the very pivot on which the political revolution of that day turned — that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. As to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all or any of its departments, are to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically a 'government without limitation of powers.' The States are at once reduced to mere petty corporations, and the people are

entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina, to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved — a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle, which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government, and leaves them nothing they can call their own. If the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred — resistance to unauthorized taxation. These are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. If in acting on these high motives — if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character — we should be

hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, 'You must pardon something to the spirit of liberty!'

This speech, addressed as it was to the local prejudices of the South and West, and obviously with a view of uniting those great sections of the country, in a crusade against the predominant party in the Eastern States, called up Mr Webster in a reply, which for power and effect, never was surpassed on the floor of Congress. From the pointed and marked character of the attack, and the manner in which the speech of Mr Hayne was eulogized throughout the country, by the friends of the administration, it was evident that they believed a fatal blow had been aimed at the political standing of the Senator from Massachusetts.

The reply, however, was yet to come, and his acknowledged ability caused some apprehension as to the result. Public attention was strongly excited, and the Senate Chamber was crowded to overflowing, in expectation of the reply. Following Mr Hayne in debate, Mr Webster commenced by remarking upon the manner in which they had wandered from the resolution before the Senate, and asked the Secretary to read the resolution. He then proceeded.

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it

will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has now been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present — everything, general or local, whether belonging to national politics or party politics, seems to have attracted more or less of the honorable member's attention, save only the resolution before us.

When this debate was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it, and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

But the gentleman inquires why he was made the object of such a reply? Why was he singled out? If an attack had been

made on the East, he, he assures us, did not begin it — it was the gentleman from Missouri. I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech, which if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But this interrogatory of the honorable member was only introductory to another. He proceeded to ask me, whether I had turned upon him, in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If the honorable member, *ex gratia modestiæ*, had chosen thus to defer to his friend, and to pay him a compliment without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question, forbid me that I thus interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, a little of the loftiness of asserted superiority,

which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put, as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It seems, to me, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and over-matches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. The gentleman seems to forget where and what we are. This is a Senate; a senate of equals: of men of individual honor and personal character, and of absolute independence. We know no masters: we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, as a match for no man; I throw the challenge of debate at no man's feet. But then, since the honorable member has put the question, in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone, or when aided by the arm of his friend from South Carolina, that need deter, even me, from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. When uttered as matter of commendation or compliment,

I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison, to wound my pride of personal character. The anger of the tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptance. But, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part: to one the attack; to another the cry of onset; or, if it be thought that by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any, or all these things, will shake any purpose of mine, I can tell the honorable member once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper, but, if provoked, and I trust I never shall allow myself to be, into crimination and recrimination, the honorable member may, perhaps, find, that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own, and that his impunity may perhaps, demand of him whatever powers of taunt and sarcasm he

may possess. I commend him to a prudent husbandry of his resources.

In the course of my observations the other day, Mr President, I paid a passing tribute of respect to a very worthy man, Mr Dane, of Massachusetts. It so happened that he drew the ordinance of 1787, for the government of the Northwestern Territory.

I spoke, of the ordinance of 1782, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight; and one which had been attended with highly beneficial and permanent consequences. I supposed, that on this point, no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery, in the abstract, and on principle, but, also, into a warm accusation against me, as having attacked the system of domestic slavery, now existing in the Southern States. For all this there was not the slightest foundation, in anything said or intimated by me. I did not utter a single word, which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful in legislating for the northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed, in the neighboring state of Kentucky, there was no reflecting and intelligent gentleman, who would doubt, that if the same prohibition had been extended, at the same early period,

over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary; or disrespectful. They attack nobody, and menace nobody. And yet, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole South, and manifesting a spirit which would interfere with, and disturb their domestic condition! This injustice no otherwise surprises me, than as it is done here, and done without the slightest pretence of ground for it. I say it only surprises me, as being done here; for I know, full well, that it is, and has been the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them, in their own exclusive and peculiar concerns. This is a delicate and sensitive point in southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against northern men or northern measures. But the feeling is without adequate cause, and the suspicion which exists, wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of Government; nor has it been in any way attempted. It has al-

ways been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal Government had nothing to do. Certainly, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly, I need not say I differ with him, altogether and most widely, on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. The domestic slavery of the South, I leave where I find it—in the hands of their own Governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this Federal Government. We know, that the representation of the States in the other house is not equal. We know that great advantage, in that respect, is enjoyed by the slave holding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal; the habit of the Government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain: nor would I countenance any movement to alter this arrangement of representation. It is the

original bargain, the compact—let it stand: let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact and to extend the power of the Government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious.

An attempt has been made to transfer, from the North to the South, the honor of this exclusion of slavery from the Northwestern Territory. The journal, without argument or comment, refutes such attempt. The cession by Virginia was made, March, 1784. On the 19th of April following, a committee, consisting of Messrs Jefferson, Chase, and Howell reported a plan for a temporary government of the territory, in which was this article; ‘that, after the year 1800, there shall be neither slavery, nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been convicted.’ Mr Speight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised: ‘Shall these

words stand, as part of the plan? ' &c. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania—seven states, voted in the affirmative. Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. — Mr Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year, [1785,] Mr King, of Massachusetts, seconded by Mr Ellery, of Rhode Island, proposed the formerly rejected article, with this addition: '*And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States and each of the States described in the resolve,*' &c. On this clause, which provided the adequate and thorough security, the eight Northern States at that time voted affirmatively, and the four Southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterwards the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of a resolution.

But the honorable member had now found out that this gentleman, Mr Dane, was a member of the Hartford Convention. However uniformed the honorable mem-

ber may be of characters and occurrences at the North, it would seem that he has at his elbow on this occasion some high-minded and lofty spirit, some magnanimous and true-hearted monitor possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country. But as to the Hartford Convention, allow me to say, that the proceedings of that body seem now to be less read and studied in New England, than further South. — They appear to be looked to, not in New England, but elsewhere. for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose — they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford Collect so far that the original text-writers are thrown entirely into the shade. I have nothing to do with the Hartford Convention. Its journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution, or tending to disunion, so far I shall be as ready

as any one to bestow on them reprehension and censure.

I need not repeat at large, the general topics of the honorable gentleman's speech. When he said, yesterday, that he did not attack the Eastern States, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means, by not attacking, that he did not commence hostilities — but that another had preceded him at the attack. He, in the first place, disapproved of the whole course of the Government, for forty years, in regard to its dispositions of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the 'accursed policy' of the tariff, to which he represented the people of New England as wedded, he went on, for a full hour, with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous, as to the general course of the Government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European Governments, towards their own subjects, settling on this continent, as in point, to show that we have been harsh and rigid in selling, when we should have given the public lands to settlers. I thought the honorable member had suffered his judgment to be betrayed by a false

analogy; that he was struck with an appearance of resemblance, where there was no real similitude.

But this is not the point of the debate. The real question between me and him is, where has the doctrine been advanced, at the South or at the East, that the population of the West should be retarded, or at least, need not to be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? Has the gentleman found anything by which he can make good his accusation? I submit to the Senate, that he has entirely failed; and as far as this debate has shown, the only person who has advanced such sentiments, is a gentleman from South Carolina, and a friend to the honorable member himself.

New England is guiltless of the policy of retarding western population, and of all envy and jealousy of the growth of the new States. Whatever there may be of that policy in the country, no part of it is hers.

We approach, at length to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honorable gentleman on what ground it is, that I consent to vote them away in particular instances? How, he inquires, do I reconcile with these professed sentiments, my support of measures appropriating portions of the lands to particular roads particular canals, particular rivers,

and particular institutions of education in the West? This leads to the real and wide difference in political opinions between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its objects and its terms; he, on the contrary, deems them all, if good at all, only local good. The interrogatory, which he proceeded to put, at once explains this difference. 'What interest,' asks he, 'has South Carolina in a canal in Ohio?' This very question develops the gentleman's whole political system; and its answer expounds mine. I look upon a road over the Alleghany, a canal round the Falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being objects large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to open his construction of the powers of the Government. On that system, Ohio and Carolina are different Governments, and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects, separate and diverse. On that system, Carolina has no more interest in a canal in Ohio, than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public

work in Ohio. We narrow minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that Union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same General Government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government, we look upon the States as one. We do not impose geographical limits, to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We who come here as agents and representatives of those narrow minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. If a rail road or a canal, beginning in South Carolina, and ending in South Carolina, appeared to me to be of national importance and national magnitude, (believing, as I do, that the power of Government extends to the encouragement of works of that description,) if I were to stand up here, and ask, what interest has Massachusetts in a rail road in South Carolina, I should not be willing to face my constituents. These same narrow minded men

would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, in mind and heart, to embrace the whole, was not fit to be entrusted with the interest of any part. I do not desire to enlarge the powers of the Government, by unjustifiable construction; nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole; so far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of the powers of the General Government. In war and peace, we are one; in commerce one; because the authority of the General Government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting light-houses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be power for one, there is power also for the other; and they are all and equally for the country.

There are other objects apparently more local, or the benefit of which is less general, towards which, nevertheless, I have concurred with others to give aid, by donations of land. It is proposed

to construct a road in or through one of the new States in which this Government possesses large quantities of land. Have the United States no right, as a great and untaxed proprietor; are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States, that they should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the Government is a great untaxed proprietor in the ownership of the soil. It is a consideration of great importance, that probably there is in no part of the country or of the world, so great a call for the means of education as in those new States; owing to the vast number of persons within those ages, in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these States show how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is

the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the spring time for sowing them. Whatever the Government can fairly do towards these objects, in my opinion, ought to be done.

These, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest; while I maintain at the same time, that it is all a common fund, for the common benefit. Those who have a different view of the powers of the Government, of course, come to different conclusions, on these, as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, — a road, a canal, or anything else, intended for the improvement of the West — it would be found that if the New England *ayes* were struck out of the list of votes, the southern *noes* would always have rejected the measure. The truth of this has not been denied and cannot be denied. In stating this I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But no sooner had I done this, than the honorable gentleman asks, if I reproach him and his friends with their constitutional scruples? Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me.

But how has the gentleman returned this respect for others' opinions? His own candor and justice, how have they been exhibited towards the motives of others while he has been at so

much pains to maintain, what nobody has disputed, the purity of his own? Why, sir, he has asked *when*, and *how*, and *why*, New England votes were found going for measures favorable to the West; he has demanded to be informed whether all this did not begin in 1825, *and while the election of President was still pending?* To these questions retort would be justified; and it is both cogent, and at hand. Nevertheless, I will answer the inquiry not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why*, New England has supported measures favorable to the West. I have already referred to the early history of the Government — to the first acquisition of the lands — to the original laws for disposing of them and for governing the territories where they lie; and have shown the influence of New England men and New England principles in all these leading measures. Coming to more recent times and to measures of a less general character, I have endeavored to prove that everything of this kind designed for western improvement, has depended on the votes of New England; all this is true beyond the power of contradiction.

In 1820, (observe, Mr President,) in 1820, the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction, New England with a delegation of forty members in the other house, gave thirtythree votes, and one only against it. The four Southern States, with fifty members,

gave thirtytwo votes for it, and seven against it. Again, in 1821 (observe again, sir, the time,) the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands, which had been entered into at high prices, and a reduction in other cases, of not less than 37 1-2 per cent on the purchase money. Many millions of dollars, six or seven, I believe, at least, probably much more, were relinquished by this law. On this bill New England, with her forty members, gave more affirmative votes than the four Southern States, with their fiftytwo or three members. These two are far the most important measures, respecting the public lands, which have been adopted within the last twenty years. They took place in 1820 and '21. That is the time *when*. And as to the manner *how*, the gentleman already sees that it was by voting, in solid column, for the required relief; and lastly, as to the cause *why*, I tell the gentleman, it was because the members from New England thought the measures just and salutary; because they entertained towards the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which had arisen in the West, with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this Government,

to act towards the new States in the spirit of a liberal, patronizing, magnanimous policy.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period still something earlier, for the purpose still farther of showing how much, or rather, how little reason there is for the gentleman's insinuation that political hopes, or fears, or party associations, were the grounds of these New England votes.

This government, Mr President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns, to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with organizing the government, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French Revolution blazed forth, as from a new opened volcano, and the whole breadth of the ocean did not entirely secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government, and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing, and equally exciting division and discord, through the long series of twenty years, till they finally issued in

the war with England. Down to the close of that war, no distinct, marked and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the Government, in regard to objects connected with such improvement.

The peace, Mr President, brought about an entirely new, and a most interesting state of things; it opened to us other prospects, and suggested other duties; we ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace; some agitation of the waves might be expected, even after the storm had subsided, but the tendency was, strongly and rapidly, towards settled repose.

It so happened, sir, that I was at that time a member of Congress and, like others, naturally turned my attention to the contemplation of the newly altered condition of the country and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the Government would necessarily take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the

peace of Europe, it was obvious there would spring up, in her circle of nations, a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those, whom war had rendered unable to supply themselves. It was obvious, that under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement. And this improvement, how was it to be accomplished, and who was to accomplish it?

We were ten or twelve millions of people, spread over almost half a world. We were twentyfour states, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement, which consisted in furnishing new facilities of intercourse necessarily ran into different States, in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the cooperation of several States to be expected. Take the instance of the Delaware break-

water. It will cost several millions of money. Would Pennsylvania alone have ever constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey and Delaware have united to accomplish it, at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, cooperates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions, with respect to the powers of government, in regard to internal affairs. It may not savor too much of self-commendation to remark, that with this object, I considered the Constitution, its judicial construction, its cotemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion, that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as Internal Improvements. That conclusion was adopted, and acted on, even so early as 1816. And, Mr Presi-

dent, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro Duce*. Yes, sir, I pursued, in all this, a South Carolina tract. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines first came to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816 and on the direct tax, will show who was who, and what was what, at that time. The tariff of 1816, one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual states may justly secede from the government, is, sir, in truth a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas if it had depended on Massachusetts votes, it would have been lost. I do not say this to reproach South Carolina; I only state the fact, and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. The act, sir, then passed, and received on its passage the support of a majority of the representatives of South Carolina present and voting. This act is the first, in the order of those now denounced as plain usurpations. We see it daily in the list by the side of those of 1824, and 1828, as a case of manifest oppression, justifying disunion. I put it home

to the honorable member from South Carolina, that his own State was not only 'art and part' in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this act proceeded on the ground of protection. It interfered directly, with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots. But it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle *opposed to that which lets us alone*.

Such, Mr President, were the opinions of important and leading gentlemen from South Carolina, on the subject of internal improvement, in 1816. I went out of Congress the next year, and returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A party had arisen in the South, hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti-consolidation was the flag under which this party fought, and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them as part and parcel of the

system of consolidation. Whether this party arose in South Carolina herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things, in such controversies, they bestowed on the anti-improvement gentlemen, the appellation of radicals. Yes, sir, the name of radicals, as a term of distinction, applicable and applied to those who denied the liberal doctrines of internal improvements, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to Congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvements had nobly maintained their ground, and were understood to have achieved a victory.

Such are the opinions, sir, which were maintained by South Carolina gentlemen in the house of Representatives, on the subject of internal improvement, when I took my seat there as a member from Massachusetts, in 1823. But this is not all: we had a bill before us, and passed it in that house, entitled 'An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.' *It authorized the President to cause such surveys*

and estimates to be made of the routes of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail; and appropriated thirty thousand dollars out of the treasury, to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates have ever contended for it. Having passed the other house, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso:

'Provided, That nothing herein contained shall be construed to affirm or admit a power in Congress on their own authority, to make roads or canals, within any of the states of the Union.'

The yeas and nays were taken on this proviso, and the honorable member voted *in the negative*. The proviso failed.

A motion was then made to add this proviso, viz.

'Provided, That the faith of the United States is hereby pledged, that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution.'

The honorable member voted *against this proviso* also, and it failed.

The bill was then put on its passage, and the honorable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes, but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions. They show who is for, and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power, in every form, in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now, suffer me to remind you, Mr President, that it is this very same power, thus sanctioned, in ever form, by the gentleman's own opinion, that is so plain and manifest a usurpation, that the state of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect.

The tariff, which South Carolina had an efficient hand in establishing, in 1816, and this asserted power of internal improvement, advanced by her in the same year, and as we have now seen approved and sanctioned by her representatives in 1824, these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of

leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat, that, up to 1824, I, for one, followed South Carolina; but when that star in its ascension, veered off in an unexpected direction, I relied on its light no longer. [Here the Vice President said — does the Chair understand the gentleman from Massachusetts, to say, that the person now occupying the Chair of the Senate, has changed his opinions on the subject of internal improvements?] From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the Chair of the Senate. If such change has taken place, I regret it; I speak generally of the State of South Carolina.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new, nor attended with new success, to involve me and my vote in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824 and my vote in 1828. It is labor lost. A plain tale explains the whole matter. In 1816, I had not acquiesced in the tariff, then supported by

South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821 at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of Congress to exercise the revenue power, with direct reference to the protection of manufactures is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, that in one respect, some impression has been made on my opinions lately. Mr Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument, which seem impregnable. But even if the power were doubtful on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same Constitution; and, on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes.

With a great majority of the representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio and Kentucky went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our

only option was either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.

This last alternative did not suit our principles, and, of course, we adopted the former. In 1827, the subject came again before Congress, on a proposition favorable to wool and woollens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and in regard to some objects intended by it, perhaps most of them had produced all its expected effects.

But owing to subsequent and unforeseen occurrences the benefit intended by it to wool and woollen fabrics, had not been realized. Events, not known here when the law passed, had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woollens. Was ever anything more reasonable? If the policy of the tariff laws had become established in principle, as the permanent policy of the government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise, or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it became adopted, and when no one attempted its repeal? And this is the inconsistency so much bruited. I

had voted against the tariff of 1824 — but it passed; and in 1827 and 1828, I voted to amend it in a point essential to the interest of my constituents. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that act. I was disposed to vote for such regulation, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

As to the general subject of the tariff I have little now to say. Another opportunity may be presented. I remarked the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence, as being favorable or charged with equal vehemence, as being unfavorable to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression, relative to her conduct, in this particular.

Through all the South, during the late contest, it was New England policy and a New England administration, that was afflicting the country with a tariff policy beyond all endurance, while on the other side of the Alleghany, even the act of 1828 itself, the very sublimated essence of oppression according to Southern opinions, was pronounced to be one of those blessings, for which the West was indebted to the 'generous South.'

With large investments in manufacturing establishments and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure, destructive or highly dangerous. The duty of the Government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault, on the opinions, politics, and parties of New England, as

they have been exhibited in the last thirty years. This is natural. The 'narrow policy' of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The 'accursed policy' of the tariff, also, had established the fact of its birth and parentage in the same State. No wonder therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was doubtless desirous of fastening on others, which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme. What has he done? Has he maintained his own charges? Has he sustained himself, in his attack on the Government, and on the history of the North in the matter of the public lands? Oh, no, but he has 'carried the war into the enemy's country!' Carried the war into the enemy's country! Yes, and what sort of a war has he made of it? He has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit, in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off, in times of general excitement and violence. He has thus swept together a mass of such things, as but that they are now old, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the hon-

orable member, while he recited, with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times; and such as it would be 'discomfiture' indeed, for any one, whose taste did not delight in that sort of reading, to be obliged to peruse. That is his war. This it is to carry the war into the enemy's country. It is in an invasion of this sort, that he flatters himself with the expectation of gaining laurels, fit to adorn a Senator's brow.

Mr President, I shall not, it will not, I trust, be expected that I should, either now, or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it at all, a general remark or two. In the run of forty years under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other Constitution than the old articles of confederation, was desirable, was, itself, a question on which parties formed; if a new Constitution were framed, what powers should be given to it, was another question; and, when it had been formed, what was, in fact, the just extent of the powers actually conferred, was a third. Parties, as we know, existed, under the first administration, as distinctly marked, as those which manifested themselves at any subsequent period. The con-

test immediately preceding the political change in 1801, and that again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual strength and intensity. In all these conflicts there was, no doubt, much violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular Governments. With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse.

In regard to any party, probably, in one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition, as that with which the honorable member has edified us. For myself, I shall not rake among the rubbish of by-gone times, to see what I can find, or whether I cannot find something, by which I can fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant and persevering support, in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration; and we know, too,

where his measures were opposed, his services slighted, and his character vilified. We know, or we might know, if we turned to the journals, who expressed respect, gratitude, and regret, when he retired from the chief magistracy; and who refused to express either respect, gratitude, or regret — I shall not open those journals. Publications more abusive or scurrilous never saw the light, than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers — no one is in attendance on me, tendering such means of retaliation; and if there were, with an ass' load of them, with bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times, to be no way anxious to rescue from forgetfulness the extravagances of times past. Besides, what is all this to the present purpose? It has nothing to do with the public lands, in regard to which the attack was begun; and it has nothing to do with those sentiments and opinions which I have thought tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Be it so. But why, therefore, does he abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers,

or seeks to cover, their authors with reproach?

But if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity, and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a federalist, but as a tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honorable member suppose, that if I had a tender here, who should put such an effusion of wickedness and folly in my hand, that I would stand up and read it against the South? Parties ran into great heats, again, in 1799, and 1800.

What was said, or rather what was not said, in those years, against John Adams, one of the signers of the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party abuse and frothy violence; if he has a determined proclivity to such pursuits; there are treasures of that sort south of the Potomac, much to his taste, yet untouched. — I shall not touch them.

The parties which divided the country, at the commencement of the late war, were violent. But then there was violence on both sides, and violence in every State. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other States; nor any more appearance of violence, except that, owing to a dense population, greater facility

of assembling, and more presses, there may have been more in quantity spoken and printed there than in some other places.

It is enough for me to say, that if, in any part of this, their grateful occupation, if, in all their researches, they find anything in the history of Massachusetts, or New England, or in the proceedings of any legislative, or other public body, disloyal to the Union, speaking slightly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings, in like manner, *to all similar proceedings, wherever else found.*

Mr President, in carrying his warfare, such as it was into New England, the honorable gentleman all along professes to be acting on the defensive. He desires to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence.

I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue, and some other topics, which I heard both with pain and with surprise. I told the gentleman that I was aware that such sentiments were entertained *out* of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South, who speak of our Union with indifference,

or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connexion. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove that, in divers times and manners, sentiments equally liable to my objection have been promulgated in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely, with which he labors, all along, to load his precedents.

This two-fold purpose, not very consistent with itself, one would think was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both; for he told us that he should find no fault with the mere fact of

holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious, was, the time it was holden, and the circumstances of the country, then existing. We were in a war, he said, and the country needed all our aid; the hand of Government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it, only, subject of censure. I go much farther, on this point, than the honorable member. Supposing, as the gentleman seems to, that the Hartford Convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional laws had been passed, or to concert on that subject, or to *calculate the value of the Union*; supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material matter is the *object*. Is dissolution the *object*? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, sir, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, of its objects were really such as have been imputed to it. There never was a time, under any degree of excitement, in which the Hartford Convention, or any other

convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman say would have been an allowable purpose: To hold conventions to decide questions of constitutional law! — to try the binding validity of statutes, by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions.

And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the state of South Carolina by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge, that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for countrymen, one and all. The Laurens, Rutledges, the Pinckneys, the Sumpters, the Marions — Americans all — whose

fame is no more to be hemmed in by State lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country, and their renown is of the treasures of the whole country. Him, whose honored name the gentleman himself bears — does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts, instead of South Carolina? Does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir — increased gratification and delight, rather. I thank God, that if I am gifted with little of the spirit which is said to be able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happened to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevate patriotism, to sincere devotion to liberty and the country; or if I see an uncommon endowment of heaven — if I see extraordinary capacity and virtue in any son of the South — and if, moved by local prejudice, or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave

to the roof of my mouth! Sir, let me recur to pleasing recollections — let me indulge in refreshing remembrance of the past — let me remind you that in early times no States cherished greater harmony, both of principle and of feeling, than Massachusetts and South Carolina. Would to God, that harmony might again return. Shoulder to shoulder they went through the revolution — hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feelings, if it exists, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown, They are weeds, the seeds of which that same great arm never scattered.

Mr President, I shall enter on no encomium upon Massachusetts — she needs none. There she is — behold her and judge for yourselves. There is her history — the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, fallen in the great struggle for independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it — if party strife and blind ambition shall hawk at and tear it; if folly and madness,

if uneasiness, under salutary and necessary restraint, shall succeed to separate it from that union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain over the friends who gather around it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr President, by far the most grave and important duty, which I feel to be devolved on me by this occasion. It is to state, and to defend what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. But I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State Legislatures to interfere, whenever, in their judgment, this Government transcends its Constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain

an authority on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it, and of compelling it to conform to their opinion of the extent of its power.

I understand him to maintain, that the ultimate power of judging of the Constitutional extent of its own authority, is not lodged exclusively in the General Government, or any branch of it: but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist, that if the exigency of the case, in the opinion of any State Government require it, such State Government may, by its own sovereign authority, annul an act of the General Government, which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State has ever advanced these sentiments. I hope she has not, and never may. That a great majority, of her people are opposed to the tariff laws is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws un-

constitutional, may probably also be true. But, that any majority holds to the right of direct State interference, at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. 'The sovereignty of the State ; never to be controlled, construed, or decided on, but by her own feelings of honorable justice.'

[Mr Hayne here rose, and said, that for the purpose of being clearly understood, he would state, that his proposition was in the words of the Virginia resolution, as follows :

'That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact ; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining, within their

respective limits, the authorities, rights, and liberties appertaining to them.']

Mr Webster resumed :

I am quite aware, Mr President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it, as his authority. I know the source too, from which it is understood to have proceeded. I need not say, that I have much respect for the constitutional opinions of Mr Madison ; they would weigh greatly with me, always. But before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, *that in the case of the dangerous exercise of powers, not granted by the General Government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport ? Does it mean no more, than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government ? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory and practice too, of the English constitution. We, sir, who oppose the Carolina doctrine, do not deny, that the people

may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for, to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government, lies in a direct appeal to the interference of the State Governments.

[Mr Hayne here rose : He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose ; and that this interposition is constitutional.] Mr Webster resumed : So I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government, I do not deny ; and they have another right, and that is, to resist unconstitutional laws, without overturn-

ing the government. It is no doctrine of mine, that unconstitutional laws bind the people. The great question is, *whose prerogative is it to decide on the constitutionality, or unconstitutionality, of the laws ?* I admit, that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it ? Is it the creature of the State Legislatures, or the creature of the People ? If the Government of the United States be the agent of the State Governments, then they may control it, provided they can agree in the manner of controlling it ; if it is the agent of the People, then the People alone can control it, restrain it, modify or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends, leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States severally ; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of differ-

ent wills and different purposes; and yet bound to obey all. This absurdity, (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the People's Constitution, the People's Government; made for the People; made by the People; and answerable to the People. The People of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. The State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the People have given power to the General Government, so far the grant is unquestionably good, and the Government holds of the People, and not of the State Governments. We are all agents of the same supreme power, the People. The General Government and the State Governments derive their authority from the same source. Neither can, in relation to the other, be called primary; though one is definite and restricted, and the other general and residuary. The National Government possesses those powers which it can be shown the People have conferred on it, and no more. All the rest belongs to the State Governments or to the People themselves. So far as the People have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sove-

reignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred, propounds that State sovereignty is only to be controlled by its own 'feeling of justice;' that is to say, it is not to be controlled at all; for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on State sovereignties. The Constitution has ordered the matter differently from what this opinion announces. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says, that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise 'from her own feelings of honorable justice.' Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully, what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved, that 'the Tariff

of 1828, and every other Tariff designed to promote one branch of industry, at the expense of others, is contrary to the meaning and intention of the Federal compact; and as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the General Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated.'

Observe that this resolution holds the Tariff of 1828, and every other Tariff, designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own power. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated: and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion, by the voice of her Legislature. That would be very imposing, but what then? Is the voice of one State conclusive? It so happens, that at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania, and Kentucky, resolve exactly the reverse. They hold those laws to be both highly pro-

per, and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he get out of this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may *nullify* it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional, and highly expedient; and there, the duties are to be paid. And yet, we live under a Government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again, precisely, upon the old Confederation?

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law, the only bond of their union! What is such a state of things, but a mere connexion during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires 'all the

concentrated energy of passion,' an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or it may be more properly said, it is identical with it, rather than a result from it. In the same publication we find the following: 'Previously to our Revolution, when the arm of oppression was stretched over New England, where did our northern brethren meet with a braver sympathy than that which sprung from the bosom of Carolinians. *We had no extortion, no oppression, no collision with the King's ministers, no navigation interests springing up, in envious rivalry of England.*'

This seems extraordinary lan-

guage. South Carolina no collision with the King's ministers, in 1775! no extortion! no oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time* — that is to say, in 1828 — South Carolina has any collision with the King's ministers, any oppression or extortion to fear from England? Whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

New England has studied the Constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently, both of its just authority, and its utility and excellence. The history of her legislative proceedings may be traced — the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up — they have been hunted up. The opinions and votes of her public men, in and out of Congress may be explored — it will be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it;

and till she loses her senses, she always will reject it. The honorable member has referred to expressions, on the subject of the embargo law, made in this place, by an honorable and venerable gentleman, (Mr Hillhouse,) now favoring us with his presence. He quotes that distinguished Senator assaying, that in his judgment the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State Legislature to decide whether an Act of Congress be, or be not constitutional.* An unconstitutional act of Congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizens of every state, although all their Legislatures should undertake to annul it, by act or resolution.

Let us follow up this New England opposition to the embargo laws; let us trace it, till we discern the principle, which controlled and governed New England, throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the Legislature of Massachusetts, asserting the Carolina doctrine — that is, the right of State interference to ar-

rest the laws of the Union. The fate of that petition shows the sentiment of the Legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed, in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed as she felt herself to be, she still held fast her integrity to the Union. The gentleman labors to prove that she disliked the embargo, as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy? did she threaten to interfere, by State authority, to annul the laws of the Union?*

The very case required by the gentleman, to justify State interference had then arisen. Massachusetts believed this law to be *'a deliberate, palpable, and dangerous exercise of a power, not granted by the Constitution.'* Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also, that as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all

that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? She remonstrated, she memorialized, she addressed herself to the General Government, not exactly 'with the concentrated energy of passion,' but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress, and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be, in such cases, who is to decide this? Who is to judge between the People and the Government? And, it is quite plain, that the Constitution of the United States confers on the Government itself, to be exercised by its appropriate Department, this power of deciding ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion — it was a matter they did doubt

upon — that the question, after all, must be decided by the Judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old fashioned way of settling disputes, they went to law. The case came to hearing, and solemn argument. The established tribunals pronounced the law constitutional and New England acquiesced. Is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo, by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. We believed the embargo unconstitutional; but still, that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, *because we did not wish to bring about a revolution, nor to break up the Union*; for I maintain, that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground — there is no ambiguous condition, half allegiance and half rebellion. There is no treason *made easy*. And, sir, how futile, how very futile it is, to admit the right of State interference, and then attempt to save it from the character of un-

lawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the State Governments. It must be a clear case, it is said ; a deliberate case ; a palpable case ; a dangerous case. But then the State is still left at liberty to decide for herself, what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything ? The human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them ; and both sides usually grow clearer, as the controversy advances. South Carolina sees unconstitutionality in the Tariff ; she sees oppression there also ; and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same Tariff, and sees no such thing in it — she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *Resolves*, that the Tariff is palpably unconstitutional, oppressive, and dangerous ; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *Resolves* also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven votes ; Pennsylvania, not to be out done in this respect more

than others, reduces her dissentient fraction to five votes. Again I ask the gentleman, what is to be done ? Are these States both right ? Is he bound to consider them both right ? If not, which is the wrong ? or rather, which has the best right to decide ? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it ? I was forcibly struck with one reflection, as the gentleman went on in his speech. He quoted Mr Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power ; and that, consequently, a case has arisen, in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr Madison himself deems this same Tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, shows the inherent — futility — I had almost used a stronger word — of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications, of which the States themselves are to judge. One of two things is true ; either the laws of the Union

are beyond the discretion and beyond the control of the States, or else we have no Constitution of General Government, and are thrust back again to the days of the Confederacy.

Let me here say, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The Government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that which is thought palpably unconstitutional in South Carolina, justifies that State in arresting the progress of the law, tell me, whether that which was thought palpably unconstitutional also in Massachusetts, would have justified her in doing the same thing. I deny the whole doctrine. It has not a foot of ground in the

Constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I must now beg to ask, whence is this supposed right of the States derived? where do they get the power to interfere with the laws of the Union? The opinion, which the honorable gentleman maintains, is a notion, founded in a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the People, those who administer it are responsible to the People; and itself capable, of being amended and modified, just as the People may choose it should be. It is as popular, just as truly emanating from the People, as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the People, and trusted, by them, to our administration. It is not the creature of the State Governments. It is of no moment to the argument, that certain acts of the State Legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the People, by the Con-

stitution itself, have imposed on the State Legislatures; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of the President with electors; but all this does not affect the proposition, that this whole Government, President, Senate, and House of Representatives, is a popular Government. It leaves it still all its popular character. The Governor of a State, (in some of the States) is chosen, not directly by the People, but by those who are chosen by the People, for the purpose of performing among other duties, that of electing a Governor. Is the Government of the State on that account, not a popular Government? This Government is the independent offspring of the popular will. It is not the creature of State Legislatures; nay more, if the whole truth must be told, the People brought it into existence, established it, and have hitherto supported it, for the very purpose, among others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war, they cannot contract alliances, they cannot make, each for itself, separate regulations of commerce, they cannot lay imposts, they cannot coin money. If this Constitution, sir, be the creature of State Legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The People erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Govern-

ment. They have defined its authority. They have restrained it, to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the People. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the People? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they leave this ultimate right of deciding on the powers of the Government? They have settled all this in the fullest manner. They have left it with the Government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency, or depend on State opinion, and State discretion. The People had had quite enough of that kind of Government, under the Confederacy. Under that system the legal action — the application of law to individuals, belonged exclusively to the States. Congress could only recommend — their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion, and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But the People have wisely

provided, in the Constitution itself, a proper, suitable mode, and tribunal, for settling questions of Constitutional law. There are, in the Constitution, grants of powers to Congress; and restrictions on these powers. There are also prohibitions on the States. Some authority must therefore necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, that *'the Constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.'*

This, sir, was the first great step. By this, the supremacy of the Constitution and laws of the United States is declared. The People so will it. No State law is to be valid, which comes in conflict with the Constitution, or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides, also, by declaring, *'that the Judicial power shall extend to all cases arising under the Constitution and Laws of the United States.'* These two provisions cover the whole ground. They are, in truth, the key-stone of the arch. With these, it is a Constitution, without them, it is a Confederacy. In pursuance of these

clear and express provisions, Congress established, at its very first session, in the Judicial act, a mode for carrying them into full effect, and for bringing all questions of Constitutional power to the final decision of the Supreme Court. It then became a Government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are past. Having constituted the Government, and declared its powers, the People have further said, that since somebody must decide on the extent of these powers, the Government shall itself decide; subject always, like other popular Governments, to its responsibility to the People. And now I repeat, how is it, that a State legislature acquires any right to interfere? Who, or what, gives them the right to say to the People, we, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them? The reply would be, I think not impertinent—'Who made you a judge over another's servants? To their own masters they stand or fall.'

I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that in an extreme case, a State Government might protect the People from intolerable oppression. In such a case the People might protect themselves, without the aid of the State Governments.

Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the General Government, and I think it my duty to support it, like other constitutional powers.

For myself, I doubt the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress, for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the People, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And if we look to the general nature of the case, could anything have been more preposterous, than to have made a Government for the whole Union, and yet left its powers subject, not to one interpretation, but to thirteen, or twentyfour interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four and twenty popular bodies, each at liberty to decide for itself,

and none bound to respect the decisions of others; and each at liberty, too, to give a new construction, on every new election of its own members? Would anything, with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate, for a disputatious people. It would not be a Government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the Government by forced or unfair construction. I admit that it is a Government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the General Government would be good for nothing, it would be incapable of long existing, if some mode had not been provided, in which those doubts, as they should arise, might be peaceably, but authoritatively, solved.

Direct collision, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is

not this the plain result? To resist, by force, the execution of a law generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself is nothing to the purpose. Can it authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the Government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, that I enter my public protest against them all.

The honorable gentleman argues, that if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress, or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of State Legislatures, has any tendency to subvert the Government of the Union. The gentleman's opinion may be that the right *ought not* to have been lodged with the General Government; he may like better such a Constitution, as we should have under the right of State interference; but I ask him to meet me on the

plain matter of fact — I ask him to meet me on the Constitution itself — I ask him if the power is not found there — clearly and visibly found there?

But what is this danger, and what the grounds of it? Let it be remembered, that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the People who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power, between the State Governments and the General Government, they can alter that distribution at will.

If anything be found in the National Constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it and refuse to change it, who has given, or who can give, to the State Legislatures, a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves; they imagine there is no safety for them, any longer than they are under the close guardianship of the State Legislatures. The people have not trusted their safety, in regard to the General

constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves first, to the plain words of the instrument, and to such construction as the Government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trust their own State Governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent, as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power, to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the People of the United States have, at no time, in no way, directly or indirectly, authorized any State Legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If the people, in these respects, had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and

these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependent or State permission. It must borrow leave to be, and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust — faithfully to preserve, and wisely to administer it.

Mr President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you, and the Senate, much too long. I was drawn into the debate, with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot even now, persuade myself to relinquish it, without expressing, once more, my deep conviction

that since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached, only by the discipline of our virtues, in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection, or its benefits. It has been to us all a copious fountain of national, social, and personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I guard him as a safe counsellor in

the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant, that in my day, at least, that curtain may not rise. God grant, that on my vision never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the Sun in Heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous Ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured — bearing for its motto, no such miserable interrogatory as — *What is all this worth?* Nor those other words of delusion and folly — *Liberty first, and Union afterwards* — but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart — *Liberty and Union, now and forever, one and inseparable!*

The effect of this speech throughout the Union was destructive to the hopes of the advocates of nullification. They had been gradually gaining strength owing in a great measure to the inattention of the public to the pernicious consequences of their doctrines. In Georgia, they formed a majority, had carried their principles into practical effect, and their doctrines had received the implied sanction of the President in reference to the Indian question. In South Carolina and Virginia, they constituted a majority of the legislatures, and in New York an obvious leaning towards the same principles was manifested by the dominant party under the specious pretence of attachment to State rights.

Public opinion however was now fully awakened. The warm and patriotic language of the Senator from Massachusetts met with a ready response from the American people. They felt the Union to be in danger from the movements of this anti-federal party and they evinced their attachment to the Constitution by the warmest approbation of the sentiments advanced by Mr Webster. These unequivocal testimonies of popular feeling checked the tendency on the part of the leading politicians to nullification, and they began to retrace their steps.

The Debate in the Senate annihilated the party by demonstrating the utter inconsistency of their opinions with the peaceful and legal administration of the Government. Mr Hayne, upon Mr Webster's resuming his seat, attempted a reply, which in substance is as follows.

After commenting on the personal topics introduced into the debate, Mr Hayne proceeded to deny that the tariff of 1816, was the commencement of the existing policy. It was a bill for reducing the duties from the war standard, and it was intended that the reduction should be gradual, until they should reach the lowest amount necessary for revenue in time of peace. Nor did this bill depend upon South Carolina votes. It was carried by a vote of 88 to 58, and would have passed if every representative from South Carolina had voted against it.

The internal improvement bill referred to, was one not appropriating but setting apart a fixed sum (the bank bonus) for internal improvements to be distributed among the States on principles of perfect equality.

This measure was defeated by the veto of Mr Madison, but if it had been adopted, it would have prevented much of the inequality and injustice, that have since taken place. Mr Hayne said that a great change of opinion, however, had since occurred in the Southern States on the subject of internal improvement. The war had produced a feeling in favor of enlarging the powers of the Federal Government, but before time had confirmed that opinion, the evils of the system were so fully developed and the dangers from that source so manifest, as to thoroughly convince them that the system of internal improvement was not only unequal and unjust, but an alarming innovation on the Constitution. He thanked Mr Webster for having given him an opportunity of explaining his

vote on the survey bill of 1824. He was then new in his seat and his opinions on this point were not fully settled. That bill was advocated on the ground that before adopting any system, it was proper to have the whole ground before Congress. In the belief that no great work would be adopted until all the information was procured and submitted by the President in one complete view, and that but a few great works in which all the States had a common interest were intended to be embraced in the bill, he voted for it and he also voted against every proposition to amend it, in order to have the subject before the public, unembarrassed and as an entire scheme. In this expectation he had been deceived and ever since he had discovered its true character, he had voted against all appropriations for surveys, unless they were exceptions to the general rule.

After explaining the motives of the opponents of the tariff of 1828, in refusing to strike out some of its obnoxious provisions, Mr Hayne entered upon that part of his argument relating to the Federal Constitution and the powers of the Supreme Courts. He said that he had indeed deprecated the consolidation of the Government, but he had contented himself with citing the high authorities on which his opinions rested. The proposition laid down by him, was taken from the Virginia resolution of 1798, and stated that 'in a deliberate, palpable and dangerous exercise by the Federal Government of powers not granted by the com-

pact, the States, who are parties thereto had a right to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights and liberties appertaining to them.'

The Senator from Massachusetts contended that the States had no right to decide, whether the Constitution had been violated or not, and that the Federal Government was the exclusive judge of its own powers. That the decision of the Supreme Court was final on the point in dispute. These are the points of difference between us, and in order to decide them it will be necessary to go back to the origin of the Government.

Mr Hayne asserted that before the formation of the Constitution, each State was an independent sovereignty, and afterwards they remained equally independent as to all powers not expressly delegated to the Federal Government. This was declared in the tenth article of the amendments to the Constitution. Its true nature therefore was a compact to which the States are parties, agreeing that certain designated powers shall be exercised by the United States in the manner prescribed in that instrument. All acts therefore by the Federal Government beyond the pale of its authority are clearly void. A State, on the contrary, may lawfully act in all cases where she has not restricted herself. It is a compact between sovereigns, and the question arises as to the remedy for a clear violation of its terms by one of the parties. Mr

Hayne contended that no power of deciding upon the extent of its own authority, had been granted to the Federal Government and no inference in favor of such power, could be drawn, which would not apply with equal force in behalf of a State.

All sovereigns were necessarily equal, and the rule applicable to a difference of opinion concerning treaties, was applicable to that concerning the Federal compact. The Federal Government was not superior to the State Governments, nor had the latter surrendered their sovereignty.

They had surrendered certain specified powers, but they had an independent legislature, executive and judiciary, and in all other respects they were as omnipotent as any other independent nation. He denied that the words in the preamble to the Constitution 'we the people of the United States,' referred to them as to one community. It related to them only as citizens of the several States. In every part of the instrument they are spoken of in that character, and when every State but one had consented to its adoption, that State was not held to be bound. A majority of the people in any one State bound that State, but nine tenths of all the people of the United States did not bind Rhode Island, until as a State she had consented to the compact.

The States were at the time of forming the Constitution, under organized governments, and if their citizens became entitled to the character of citizens of other States, it was by virtue of that

clause in the Constitution conferring upon them such privileges. After quoting from Mr Madison's report to the Legislature of Virginia to prove that the States are parties to the compact, Mr Hayne asserted that in a compact between sovereign powers, such as the Constitution, there could be no tribunal to decide upon its violation. The Supreme Court was not such a tribunal, when the dispute arose between a State and the United States. No such authority was given in the Constitution. Questions of sovereignty were of too delicate a nature to be submitted to a Judicial tribunal. Courts were the mere creatures of the sovereign power, and though they were competent to decide upon incidental questions growing out of treaties, they were not the proper tribunals to decide upon the construction to be put by sovereigns upon their treaties. These are political, not judicial, questions, and the jurisdiction given by the Government to the Federal Courts is expressly limited to all questions in law and equity; i. e. to cases where jurisdiction is incidentally acquired in the ordinary administration of justice. The Supreme Court has never assumed jurisdiction over questions arising under treaties between the sovereign parties thereto, nor can it under the Constitution, over questions between individual States and the United States. It is entirely without its sphere. Besides, it is unfitted for the office by being entirely dependent on one of the parties, i. e. the Federal Govern-

ment. Is it to be supposed that the States could ever have designed to leave to a court to be created by the Federal Government the right to decide on the extent of its powers. Such a course would have been suicidal and destructive to their independence.

After illustrating the positions, Mr H. proceeded to show that Congress could not be the proper judge of its own constitutional powers, and that the Constitution was framed chiefly with the design of confining the majority within definite limits. Mr Hayne inferred from these premises that the right of a State to judge of infractions of the Constitution on the part of the Federal Government, resulted from the nature of the compact, and that such a power is neither expressly nor impliedly reserved exclusively to the Federal Government, nor to any of its departments.

He also contended, that the power in question might be fairly considered as reserved to the States, by that clause of the Constitution, providing that all powers not delegated to the United States are reserved to the States respectively or to the people. Before the States entered into the compact, (he said) they possessed to the fullest extent, the right of determining the limits of their own powers.

They had never parted with that right, nor agreed to limit or restrict it. They had agreed that certain specific powers should be exercised by the Federal Government; but the moment that Government stepped beyond its

charter, the right of the States to interpose, was as full and complete as before the Constitution was formed. It was plenary then, and of course must be plenary now.

This collision of opinion between the two Governments did not necessarily produce war. It was the common case of difference of opinion between sovereigns as to the true construction of a compact. In all such cases some mode must be devised to settle the difficulty, and happily for us, the mode is clearly indicated by the Constitution itself, and results from the form and structure of the Government. The creating power is three fourths of the States. By their decision the parties to the compact have agreed to be bound, even to the extent of changing the entire form of the Government, and it follows of necessity, that in cases of deliberate and settled difference of opinion between the parties to the compact, as to the extent of the powers of either, resorts must be had to their common superior — (that power which may give any character it pleases to the Constitution) viz., three fourths of the States.

This was Mr Jefferson's opinion, and conforms to the doctrines of the famous Virginia resolutions and report of '98, and the Kentucky resolutions of 1799. Mr H. then contended that when a State had declared a law of Congress to be unconstitutional, it could not go into effect until it had been sanctioned by three fourths of the States.

If the nullifying State were

compelled to appeal to the three fourth votes, in order to arrest the law, she would be compelled to submit to the exercise of an unconstitutional power and it would be absurd to suppose that any redress could be obtained upon such an appeal, even if a State were at liberty to make it.

A majority of both Houses of Congress must sanction the law before it could be passed, and there was no probability of its being declared unconstitutional by three fourths of the States. A proposition too, to amend the Constitution, can only come from two thirds of the two Houses of Congress or from the legislatures of two thirds of the States. A minority therefore has no other mode of obtaining redress. There is no danger of weakening the Union in this manner. The Government is one of checks and balances, and it is in the true spirit of the system, that the States should have the power to check the Federal Government, so far as to preserve the Constitution from 'gross, palpable, and deliberate violations,' and to compel an appeal to the amending power in cases of real doubt and difficulty.

This check is by far the safest and least liable to abuse, of any provided by the Constitution. A quorum of the Supreme Court, can, by a bare majority, consisting only of three judges, declare a law to be unconstitutional.

Mr H. said that without meaning to detract from that high tribunal, for whose decisions when confined to their appropriate sphere ('questions in law equity') he had great respect, he thought that that delicate power might be

as safely entrusted to a State. She would always feel the necessity of consulting public opinion both at home and abroad before she would venture to resort to such a measure, and as it was only an extreme case that would justify the interposition, there would be no danger of any abuse of the power.

In reply to the call to show the practical effects of his doctrine, Mr Hayne said that the right of a State being established, the General Government, as a matter of course, was bound to acquiesce in a solemn decision of the State acting in its sovereign capacity, until the people by an amendment of the Constitution had decided to the contrary. Until this solemn decision is thus reversed, the Federal Government is bound not to resort to any means of coercion against the citizens of the dissenting States. All collision is thus prevented. But if a law unconstitutional in the opinion of the citizens of any one State, should be carried into effect even with the concurrence of all the branches of the Federal Government, collision must ensue. The juries in the dissenting State would not give effect to the unconstitutional law, and unless they could be coerced by the bayonet, the law would be in effect nullified. The difference between the Senator from Massachusetts and himself respecting a clear violation of the Constitution which ought to be resisted, was, that he advocated upon the principles of revolution and he (Mr Hayne) upon those of constitutional resistance. He would make force the only arbiter in cases of colli-

sion between the Federal and State Governments, while he (Mr Hayne) would resort to a peaceful remedy, the interposition of the States to arrest the progress of the evil, until a convention called according to the Constitution should determine the dispute.

In reply to this argument Mr Webster said, that the argument of Mr H. consisted of two propositions, and an inference. His propositions are —

1. That the Constitution is a compact between the States.

2. That a compact between two, with authority reserved to one to interpret its terms, would be a surrender to that one of all power whatever.

3. Therefore, (such is his inference) the General Government does not possess the authority to construe its own powers.

Now, sir, who does not see, without the aid of exposition or detection, the utter confusion of ideas, involved in this, so elaborate and systematic argument.

The Constitution, it is said, is a compact *between States*; the States, then, and the States only, are *parties to the compact*. How comes the General Government itself a *party*? Upon the honorable gentleman's hypothesis, the General Government is the result of the compact, the creature of the compact, not one of the parties to it. Yet the argument, as the gentleman has now stated it, makes the Government itself one of its own creators. It makes it a party to that compact, to which it owes its own existence.

For the purpose of erecting the

Constitution on the basis of a compact, the gentleman considers the States as parties to that compact; but as soon as his compact is made, then he chooses to consider the General Government, which is the offspring of that compact, not its offspring, but one of its parties; and so, being a party, has not the power of judging on the terms of the compact. In what school is such reasoning as this taught?

If the whole of the gentleman's main proposition were conceded to him, that is to say — that the Constitution is a compact between States, the inferences, which he draws from that proposition, are warranted by no just reason. Because, if the Constitution be a compact between States, still, that Constitution, or that compact, has established a government, with certain powers; and whether it be one of those powers, that it shall construe and interpret for itself, the terms of the compact, in doubtful cases, can only be decided by looking to the compact, and inquiring what provisions it contains on this point. Without any inconsistency with natural reason, the Government, even thus created, might be trusted with this power of construction. The extent of its powers, therefore, must still be sought for in the instrument itself.

If the old Confederation had contained a clause, declaring that resolutions of the Congress should be the supreme law of the land, any State law or constitution to the contrary notwithstanding, and that a committee of Congress, or any other body created by it,

should possess Judicial powers, extending to all cases arising under resolutions of Congress, then the power of ultimate decision would have been vested in Congress, under the Confederation, although that Confederation was a compact between States. And for this plain reason : that it would have been competent to the states, who alone were parties to the compact, to agree, who should decide in cases of dispute arising on the construction of the compact.

For the same reason, sir, if I were now to concede to the gentleman his principal propositions, viz. that the Constitution is a compact between States, the question would still be, what provision is made, in this compact, to settle points of disputed construction, or contested power, that shall come into controversy ? and this question would still be answered, and conclusively answered, by the Constitution itself. While the gentleman is contending against construction, he himself is setting up the most loose and dangerous construction. The Constitution declares, that *the laws of Congress shall be the supreme law of the land*. No construction is necessary here. It declares, also, with equal plainness and precision, that *the Judicial power of United States shall extend to every case arising under the laws of Congress*. This needs no construction. Here is a law, then, which is declared to be supreme : and here is a power established, which is to interpret that law. Now, sir, now has the gentleman met this ? Suppose the Constitu-

tion to be a compact, yet here are its terms, and how does the gentleman get rid of them ? He cannot argue the *seal off the bond*, nor the words out of the instrument. Here they are — what answer does he give to them ? None in the world, sir, except, that the effect of this would be to place the States in a condition of inferiority ; and because it results, from the very nature of things, there being no superior, that the parties must be their own judges ! Thus closely and cogently does the honorable gentleman reason on the words of the Constitution. The gentleman says, if there be such a power of final decision in the General Government, he asks for the grant of that power. Well, sir, I show him the grant — I turn him to the very words — I show him that the laws of Congress are made supreme ; and that the Judicial power extends, by express words, to the interpretation of these laws. Instead of answering this, he retreats into the general reflection, that it must result *from the nature of things*, that the States, being parties, must judge for themselves.

I have admitted, that if the Constitution were to be considered as the creature of the State Governments, it might be modified, interpreted, or construed, according to their pleasure. But even in that case, it would be necessary that they should *agree*. One, alone, could not interpret it conclusively ; one, alone, could not construe it ; one, alone, could not modify it. Yet the gentleman's doctrine is, that Carolina, alone, may construe and interpret

that compact, which equally binds all, and gives equal rights to all.

So then, sir, even supposing the Constitution to be a compact between the States, the gentleman's doctrine, nevertheless, is not maintainable ; because, first, the General Government is not a party to that compact, but a *Government* established by it, and vested by it with the powers of trying and deciding doubtful questions ; and, secondly because, if the Constitution be regarded as a compact, not one State only, but all the States, are parties to that compact and one can have no right to fix upon it her own peculiar construction.

So much, sir, for the argument, even if the premises of the gentleman were granted, or could be proved. But, sir, the gentleman has failed to maintain his leading proposition. He has not shown, it cannot be shown, that the Constitution is a compact between State Governments. The Constitution itself in its very front, refutes that : it declares that it is ordained and established *by the People of the United States*. So far from saying that it is established by the Governments of the several States, it does not even say that it is established by the *People of the several States* ; but it pronounces that it is established by the people of the United States, in the aggregate. The gentleman says it must mean no more than the People of the several States. Doubtless, the People of the several States, taken collectively, constitute the People of the United States ; but it is in this, their collective capacity,

it is as all the People of the United States, that they established the Constitution. So they declare ; and words cannot be plainer than the words used.

When the gentleman says the Constitution is a compact between the States, he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The Confederation was, in strictness, a compact : the States, as States, were parties to it. We had no other General Government. But that was found insufficient, and inadequate to the public exigencies. The People were not satisfied with it, and undertook to establish a better. They undertook to form a General Government, which should stand on a new basis — not a confederacy, not a league, not a compact between States, but a *Constitution* ; a Popular Government, founded in popular election, directly responsible to the People themselves, and divided into branches, with prescribed limits of power, and prescribed duties. They ordained such a Government ; they gave it the name of a *Constitution*, and therein they established a distribution of powers between this their General Government, and their several State Governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the General Government and on the States.

The gentleman, sir, finds analogy where I see none. He likens it to the case of a treaty, in which, there being no common superior, each party must interpret for itself, under its own obligation of good faith. But this is a Constitution of Government, with powers to execute itself, and fulfil its duties. I admit, sir, that this Government is a Government of checks and balances; that is, the House of Representatives is a check on the Senate, and the Senate is a check on the House, and the President a check on both. But I cannot comprehend him, or, if I do, I totally differ from him, when he applies the notion of checks and balances to the interference of different Governments. He argues, that if we transgress, each State, as a State, has a right to check us. Does he admit the converse of the proposition, that we have a right to check the States? The gentleman's doctrines would give us a strange jumble of authorities and powers, instead of Governments of separate and defined powers. It is the part of wisdom, I think, to avoid this; and to keep the General Government, and the State Governments, each in its proper sphere, avoiding, as carefully as possible, every kind of interference.

Finally, sir, the honorable gentleman says, that the States will only interfere, by their power, to preserve the Constitution. They will not destroy it, they will not impair it — they will only save, they will only preserve, they will only strengthen it! This is but

the old story. All regulated Governments, all free Governments, have been broken up by similar disinterested and well disposed interference! It is the common pretence.

After this discussion concerning the relative powers of the Federal and State Governments, the debate continued for several weeks, and the speakers wandered from the subject of the public lands to discuss almost every topic of general interest connected with the politics of the day.

The right of the President to remove without cause was examined, and the proscriptive system of the present administration was severely censured, and as earnestly defended.

Many of the speeches were distinguished for eloquence, ingenuity and power, but it would be inconsistent with the plan of this work to pursue the analysis of the debate.

The original cause of Mr Foot's resolution still subsisted in the bill for the graduation of the prices of public lands, which had been brought forward early in the session by Mr Benton and was still urged upon the Senate. This bill provided, that after the 30th of June, 1830, all lands which had been subject to private entry since 1827, might be entered at \$1 per acre; that heads of families, single men over 21, and widows might each enter one quarter of a section, remaining unsold on payment of seventy-five cents per acre and on forthwith settling and cultivating the

same for five years. Preemption rights of $\frac{1}{4}$ section were to be granted to settlers at seventyfive cents per acre. Provision was also made for the closing of land officers in districts where the land was sold, and for fixing the fees of the land officers.

According to the bill, as originally proposed, all land remaining unsold on the 30th of June, 1835, was to be transferred to the States within which it was situated, for the purposes of promoting education and internal improvement; but upon motion of Mr Hayne, this provision was stricken out, as was one (upon motion of Mr Woodbury) authorizing donations of 80 acres each, to persons in indigent circumstances. The bill was brought up for final decision on the 5th of May. Mr Clayton, moved to postpone the bill indefinitely, not because he was opposed to an equitable graduation or reduction of the price of the public lands (according to the real value) that had remained in the market at the minimum price for a length of time and unsold, but because he objected to the principle as established by this bill, of equalizing the value of the seventy millions of acres of the public lands upon which it is intended to operate. This motion was negatived yeas 20, nays 25

Mr Bell then moved to lay the bill on the table until the next day, in order that it might be printed as amended, which was negatived by yeas and nays, 22 to 23.

The bill was then ordered to be engrossed for a third reading, yeas 24, nays 22, and was finally passed by the Senate on the 7th of May by the same vote.

It was taken up in the House on the 29th of May, two days before the close of the session, and it being deemed too late to discuss a bill involving the policy of the existing land laws of the United States, a motion was made by a western member to lay the bill on the table, which was carried, 82 affirmative and 68 negative.

Although the ostensible cause of this great debate in the Senate was thus disposed of, the real question at issue concerning the relative powers of the Federal and State Governments was still agitated, and in South Carolina the nullifying party made strenuous efforts to obtain possession of the State Government, with the avowed intention of carrying their principles into practice.

A State convention was demanded; but the proceedings in relation of that subject properly fall within the history of the next year.

CHAPTER V.

Opening of the First Session of Twentyfirst Congress. — President's Message. — Retrenchment. — Amendments to Constitution. — United States Bank. — Tariff. — Bill to enforce ; Policy ; Discussion of and passage. — Bills to reduce Duty on Salt ; on Molasses ; on Tea and Coffee. — Tonnage Duties. — Cash Duties. — Mr Benton's Scheme. — Mr Cambreleng's Navigation Bill. — Discussion concerning Prosperity of Country.

THE first session of the twenty-first Congress commenced on the 7th of December, 1829.

Thirtyfive Senators appeared at the commencement of the session, and Samuel Smith resumed the Chair as President pro tempore.

In the House of Representatives 191 members answered to their names and proceeded to organize the House. Upon balloting for Speaker, the vote stood,

Andrew Stevenson,	152
Wm. D. Martin,	21
Scattering,	18

Mr Stevenson having been elected Speaker, the House adjourned to the next day, when the President of the United States transmitted his annual Message to Congress.

This message, which did not in point of expression fall behind those of his predecessors, will be found among the Public Documents.

It gave a succinct account of the foreign relations of the United States and stated emphatically that in the execution of that branch of his duties, 'it was the settled purpose of the President to ask nothing that was not clearly right and to submit to nothing that was wrong.'

The controversies with England, growing out of the disputed boundary and the colonial trade, were stated to be in a train of adjustment, and a strong hope was expressed that the efforts to arrange the terms of intercourse with the British Islands would prove successful.

The claims with France were said to have been made the subject of the special attention of our minister, who was instructed to urge their settlement upon the French Government as a matter which must continue to furnish the subject of unpleasant discussion and possible collision between the two Governments.

The ministers at Denmark and Spain were urging the claims of American citizens upon those Governments upon their attention; and their claims upon the South American Governments were stated to have been satisfactorily adjusted.

A treaty had been made with Austria, and one with Turkey, it was intimated, might be expected.

The relations with Portugal were said to have been renewed upon the principle of acknowledging the Sovereign *de facto*, and our relations with the new American powers were declared to be on a satisfactory footing, with the exception of Mexico, where an unfounded and extraordinary jealousy prevails.

Among the most urgent of his duties, the President considered that of recommending an alteration of the Constitution, so as to make the election of the Chief Magistrate immediate by the people, and to limit him to one term of service.

He also recommended the exclusion of Members of Congress from all offices except judicial, diplomatic or connected immediately with the Cabinet, and a general extension of the law limiting appointments to four years.

Some general observations were made respecting the tariff, and a modification of its details was recommended with the view of rendering it more acceptable to the different sections of the Union.

The condition of the treasury was declared to be flourishing. The balance in the treasury, Jan. 1st, 1829, was \$5,972,435. The receipts of the year were estima-

ted at \$24,602,230. The expenses at \$26,164,595; leaving a balance on the 1st January, 1830, of \$4,410,070. During the year \$12,405,005 had been paid on account of the public debt, reducing it on the 1st of January, 1830, to \$48,565,406, including \$7,000,000 subscribed to the stock of the United States Bank.

From this aspect of the public finances, he inferred, that the speedy discharge of the national debt would soon bring a large surplus into the treasury, which, however beneficial it might be to apply to the internal improvement of the country, could not be so applied, in the opinions of many, without a violation of the Constitution, and in the opinions of all, at the expense of harmony in the Legislative Councils. To avoid those evils, he recommended an apportionment of the surplus revenue among the several States, according to their ratio of representation.

The President also recommended the creation of a department, at whose head the Attorney General was to be placed, to enforce the collection of debts due to the United States.

The military academy was also highly recommended to the fostering care of Congress, and a modification of the pension law, so as to impart relief to every revolutionary soldier unable to maintain himself.

The attention of Congress was directed to the condition of the Indian tribes, and a system of policy recommended, which will be found fully detailed in chapter third. A suggestion was made

as to the propriety of modifying the judicial system of the United States, by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by these classes alternately; the Chief Justice always presiding. A new department was also recommended, to be called the home department; and a strong opinion was expressed against the propriety of renewing the charter of the United States Bank upon its expiration in 1836, on the score that the law creating it was deemed unconstitutional and inexpedient; and that it had failed in establishing a uniform and sound currency.

As a substitute to that institution, the President recommended the establishment of a National Bank, founded upon the credit and resources of the Government.

Other topics of less importance were also introduced in the message, which will be found among the Public Documents in the second part of this volume.

So much had been said by the supporters of the President during the late canvass, on the subject of retrenchment and reform, and the augmented expenditure of the Government had been so directly imputed to the extravagance of those administering it, that a general expectation prevailed that one of the first acts of the triumphant party would be to curtail the public expenses by abolishing offices which might be deemed useless, and by diminishing the salaries of those which could not be dispensed with. The two parties had join-

ed issue upon these points during the contest; one insisting that the increased expenses of the Federal Government furnished conclusive proof of the extravagance of the administration; and the other contending that they grew out of the increasing growth and prosperity of the nation and the extended relations of the Government.

The people had decided in favor of the former, and it now devolved upon them to put in practice their maxims of reform. In the message to Congress the President invited that body to inquire into the condition of the Government, with the view to a general retrenchment of its expenses; and also recommended a vigorous prosecution of the outstanding claims of the Government, the recovery of most of which was deemed desperate.

Congress was looked to as a body, therefore, that would undoubtedly act upon this recommendation of the Executive, and the session opened with an expectation of the speedy realization of those promises of reform which had been so liberally made when out of power by the party now in possession of the Government.

Of the select committees appointed in the House, was one on this subject, composed of Messrs Wickliffe, Coulter, Davis, of Massachusetts, Lamar, Coke, Huntington and Dewitt.

The recommendation in the message was of course referred to that committee, as upon motion of Mr Chilton were also the bills reported by the committee on retrenchment at the last Con-

gress, in pursuance of the views inculcated in its celebrated report.

The subject was therefore again fully before the country, and the Committee felt bound to at least appear to act in behalf of a cause upon which so much stress had been laid during the pendency of the appeal to public opinion. Bills were accordingly brought in at different times during the session, 1st, to regulate the mileage of members of Congress; 2d, the allowance for forage to army officers; 3d, to prevent improper allowances to public agents in settling their accounts; 4th, to abolish the board of Navy Commissioners; 5th, to prohibit the use of secret service money in time of peace; 6th, to abolish the office of Major General in the army; 7th, brevet rank both in the army and marine corps; 8th, to abolish the practice of annually examining the land officers; 9th, to regulate the pay of military and naval officers; 10th, to secure the accountability of public agents in foreign countries.

Resolutions were also brought in by the Committee to abolish the office of Draughtsman of the house; to diminish the expenses of public printing, and also in favor of specific appropriations; but they were permitted to remain undisturbed except the resolution relating to the Draughtsman, which after long and frequent debates was carried, 95 affirmative, 86 negative.

A similar fate attended the bills reported to curtail the expenses of the Government, with the exception of that abolishing

the practice of examining the books of the land officers once a year and ascertaining the balance in the hands of the receivers. This bill was passed into a law, but the others, which, aimed more directly at retrenching expenses, that were stigmatized as indications of the corrupt administration of affairs, were not deemed of sufficient importance to warrant a vigorous effort to carry them.

That establishing an uniform mode of computing the mileage of members of Congress indeed received the sanction of the House of Representatives, but was laid on the table in the Senate upon motion of Mr Bibb, and remained there until the termination of the session. Most of the other bills remained undisturbed in the House, and the session closed without further notice of a subject, which had proved the cause of so much agitation and invective during the last administration.

Nothing was retrenched and the attempts which were made by some of the accounting officers of the Treasury to introduce a new system into that department, caused so much confusion and inconvenience, that Congress was compelled by resolution or by law to direct the continuance of the former allowances.

The cause of reform fared no better in the Senate, where a select Committee was appointed to take this and other subjects of a political character into consideration.

Bills were reported by the chairman (Mr Benton) to carry, into effect the principles of reform, which had been so highly praised

viz. to regulate the publication of the laws and public advertisements ; to displace defaulters ; to regulate the appointment of postmasters, cadets and midshipmen, and to prevent military and naval officers from being dismissed at the pleasure of the President.

The period however had passed when these bills were in the opinion of the former, indispensably necessary ; *tempora mutantur et nos mutamur in illis*, had now become the motto of the dominant party, and the work of retrenchment and reform found as little favor in the Senate as in the other branch of the Legislature.

The amendments to the Constitution were deemed equally unimportant and met with like neglect. The message of the President recommended them to the attention of Congress, and the Committee in the Senate pursuant to the recommendation, reported a resolution to amend the Constitution by altering the mode of electing the President and Vice President. Nothing however was done to give effect to the recommendation, and the amendment of the Constitution slept side by side with the reform in the administration of the Government.

These subjects of excitement had subverted the purposes for which they were intended, and the objects of the agitators being answered in the triumph of their party, the instruments by which they had accomplished their ends, were laid aside as no longer necessary.

Another topic introduced into the message, met with a still worse

reception in Congress. The President had thought it incumbent on him to express a strong opinion against the propriety of renewing the charter of the bank of the United States, which expires in 1836. The bank had not applied for a renewal of its charter, but as the attention of Congress had been thus distinctly directed to this institution, it was referred to the Committees on finance in the several Houses of Congress for examination.

The subject was fully considered by these Committees, and on the 13th of April, 1830, Mr McDuffie, the chairman of the Committee of ways and means in the House, made a report diametrically opposite to the recommendation of the President.

Respecting the first proposition contained in the message, that Congress had not the constitutional power to incorporate a bank, the committee deemed that question no longer open for discussion. They however cited in its behalf, not only the decisions of the judiciary and the opinions of all the leading statesmen of every party, but the official sanction of every President, including Mr Jefferson, under whose administration the old bank was authorized to establish a Branch at New Orleans.

The first bank of the United States was incorporated about two years after the formation of the Government, when most of the framers of the Constitution were either in Congress or in the Cabinet. The act incorporating it was passed by large majorities and received the sanction of General

Washington. This bank continued its operations for twenty years, during which time public and private credit were advanced to an elevated condition, and the finances of the country placed upon a solid foundation.

Mr Jefferson came into power after a violent political conflict, and the bank was in popular opinion associated with those measures, which had rendered the federal party unpopular.

As a party, therefore, those administering the Government were opposed to the renewal of its charter, and on the proposition to renew it, the question was negatived by the casting vote of the President of the Senate and by a majority of a single vote in the House of Representatives.

Within less than three years after the expiration of the charter, the circulating medium became disordered, the public finances deranged, and the public credit impaired. Every member of the Cabinet was convinced by experience of the necessity of a national bank, and the measure was recommended to Congress by the Secretary of the Treasury (Mr Dallas). Congress accordingly took the subject into consideration, and finally passed by large majorities, the act incorporating the present bank.

This history of the bank furnished a strong argument in favor of its constitutionality, and in addition to this, there was a decision of the Supreme Court directly to the same point. The committee then went into an examination of the constitutionality

of the bank as shown from the Constitution itself, and came to the conclusion, that Congress was empowered to institute a bank not only as one of 'the necessary and proper means' of executing the powers vested in it by the Constitution, but also as an indispensable means in regulating the national currency.

They also came to a different opinion from that contained in the message respecting the expediency of the measure. At the time when the bank was established, the currency of the Union was disordered to such an extent that in some places it was depreciated 25 per cent more than in others.

The circulating medium of the United States had been increased by the excessive issues of the banks to \$110,000,000; and the effects of this depreciated currency were not only manifested in all the business transactions of the community, but had been productive of irretrievable ruin to thousands of innocent individuals.

Shortly after the establishment of the bank, the other banks were compelled to resume specie payments and within three years from the date of its charter, the circulating medium of the country was reduced to \$45,000,000, and the nation furnished with a sound currency, more uniform in its value than specie itself, and of absolute uniform value for all the purposes of paying the public contributions and disbursing the public revenue.

As the annual collections of the government amount to \$23,000,-

000, or nearly one half of the whole circulating medium of the country, the bills of the bank are thus rendered of nearly uniform value for all purposes, and more so than the circulating medium of any country of equal extent in the world.

They therefore concluded, that the bank had fulfilled the ends for which it was chartered, and that if the question were now on the renewal of its charter, that expediency and a regard for the public interest would dictate its renewal.

Those in whose hands the institution was now placed had managed it with discretion and ability, and had scrupulously avoided all interference with politics. The stockholders had generally purchased in at advanced prices, and a large portion of them were small capitalists or trustees of widows and orphans, and it was believed that as advantageous terms could be obtained by the government for a renewal from the present bank as from any new institution with a greater certainty of their being fulfilled.

The Committee then proceeded to examine the proposition of the President to establish 'a national bank, founded upon the credit of the Government and its revenues.' Without branches they thought it would fail to furnish a currency, that would be available to the Union at large and would in effect be merely a district bank, but whether with or without branches it would be objectionable; inasmuch as it would vest in its direction the power to pledge the whole credit and resources of the

United States, and would take away all limit to excessive issues. With branches, it would be still more objectionable, as it vested the Federal Government with a patronage of most extensive influence and embracing the control of all the bank accommodations to the standing amount of \$50,000,000. Such a control would introduce more corruption in the Government, than all the patronage now belonging to it. It was a desperate financial experiment, without parallel in the history of the world. The Committee also doubted the power of Congress to vest the power of loaning the public funds in another body; but, if it were clear, the objections to the scheme were so obvious and conclusive, that they unhesitatingly condemned it as pregnant with the most portentous mischiefs and calculated to introduce the most pernicious influence into the public councils.

The report from the Committee on finance in the Senate, concurred with that of the House in its conclusions, and was equally decisive in its condemnation of the sentiments of the President.

The friends of the administration formed a majority in both Committees, and the marked difference in the opinions entertained by them from that expressed in the message, afforded a striking proof of the want of harmony between the Cabinet and the party which had brought it into power.

The effect produced in the public mind by the message was entirely done away, and the stock of the bank, which had fallen

upon the delivery of the message from 126 to 120, rose after the publication of these reports to 127 and finally attained the price of \$130 per share.

On another topic of general importance, the recommendation of the President met with more favor. The Tariff of 1828, became a law during the excitement of a contested election, and in adjusting its details, more regard had been paid to the political effect of the law than to the permanent interests of the country, or to the rules of political economy. Indeed some provisions had been introduced into the bill by its enemies, with the express view of rendering it obnoxious, and the very end of the law, that of encouraging the woollen interest, was hazarded, and at all events rendered more difficult of attainment by the almost prohibitory duty imposed on the coarse wool of South America.

In his annual message the President had invited the attention of Congress to the subject, and stated, that the general rule to be observed in imposing duties upon articles of foreign production was that which would place our own in fair competition with those of other countries, except those articles which are of primary necessity in time of war. In laying down this rule for the modification of the tariff, an implied dissent, except as to articles required in time of war, was given to the principle of protection, upon which the tariff of 1828, was founded; nor was any reservation made in favor of the princi-

ple of retaliation, a principle which, in the opinion of many, was deemed to have entered more largely into the motive to the tariff of 1828, than any desire to protect the American manufacturer from foreign competition.

In modifying the tariff, the attention of Congress was particularly invited to the agricultural interest, as superior in importance to all other interests, which were deserving of encouragement only so far as they contribute to increase the value of agricultural productions; and it was also advised to unite in diminishing all burdens obnoxious to any particular section of the Union.

This recommendation was too oracular to be relied on as indicative of the real opinions of the President on this disputed question.

The exceptions in favor of articles required in time of war might be indefinitely extended, so as to comprehend more than even the advocates of an ultra tariff demanded.

A nation requires in war all and even more than it consumes in peace, and even in an army, woollen, cotton, linen and iron manufactures and a variety of other protected articles, are of prime necessity. Unless the exception be confined to fire arms, powder and ball, it is too indefinite to mean anything, and with that construction, the recommendation is hostile to the tariff policy.

It was probably so understood, and with the view of affecting a modification of the revenue system, several bills were introduced

to repeal or diminish the duties on various articles of general consumption.

This hostility to the tariff had been manifested early in the session by many of the friends of the administration; but an equally strong feeling of dissatisfaction with the existing law, on the ground of its inadequate protection to the woollen manufacturer, had induced the friends of the policy to bring forward the subject with the view of obtaining a modification of the law more favorable to their interests, and to prevent the frauds, which were alleged to be daily practised on the revenue.

A bill was accordingly reported in the House of Representatives by Mr Mallary, chairman of the committee on manufactures, on the 27th of Jan., 1830, to regulate the entry of woollen importations.

This bill provided, that a sworn copy of the invoice of manufactures, of which wool is a component part, should be delivered to the collector and compared with the goods which were to be sent to the custom-house for the purpose of comparison.

Provision was also made for the appraisement of the goods, and for the forfeiture of $\frac{1}{4}$ thereof if the appraised value exceeded the invoice price more than 10 per cent; $\frac{1}{2}$ thereof if more than 15 per cent; and for the forfeiture of the whole, if more than 20 per cent. A reappraisement could be demanded by the importer, or he might appeal to the Secretary of the Treasury, and provision was also made for forfeiture for altering or counterfeiting the marks

on the goods, and to prevent frauds or false valuations by foreign partners or agents of the resident importers. The bill received its 1st and 2d readings and then remained on the table until the 15th of April, when, after disposing of some preliminary business in the Committee of the whole house, Mr Mallary moved, that the Committee take up the bill amending the tariff, which was carried.

The bill having been read through—

Mr Mallary explained that the object of the bill being merely to give effect to the Tariff Bill of 1828, it involved no principle which was likely to distract the opinions of the House, as he presumed that all would unite in giving force to an existing law.

He then proceeded to show in what manner the law of 1828 had been violated, and to point out the efficacy of the remedy proposed by the bill under consideration. On the policy of foreign countries in reference to their trade, he made some remarks, exonerating France, Holland, &c, from any attempts to embarrass our trade. England adopting her new notions of free trade, has also adopted the impression that it is almost doing God service to put down our protective policy. He stated what were the regulations of the existing law by which collectors of the Custom Houses were governed. He showed that the cause of the great frauds that had been committed, was to be found in the fact that the goods were not left in the possession of the collector, as

the law presumed that they would be, and that the only goods over which he was able to exercise control, were the packages in the Appraiser's Office. He read from a private memorandum some opinions on the subject of the law.

Mr Cambreleng wished to know the authority to which he referred.

Mr Mallary replied that the authority was a good one.

Mr Drayton rose to order.

He wished to know if the gentleman from Vermont was not bound to give up his authority when asked for it.

The Chair decided that Mr Mallary was in order, and that it was entirely at his discretion to give or withhold his authority.

Mr Mallary then proceeded to read the memorandum which he had commenced, together with another which specifies the forms at the Custom House. One package in twenty only is sent by the Appraiser, and the other nineteen are distributed in all quarters, where they are beyond the reach of the Collector either for the purpose of enforcing penalty or ascertaining value.

He stated that goods which it was known would produce five dollars in Boston, had passed the Custom House in New York under the dollar minimum.

As to the evasion of the revenue, he referred to the message of the President, and to the report of the Secretary of the Treasury, to show that they are such as require remedy. The Collector of New York also admitted that monstrous evasions of the revenue have taken place : but he wanted

the power to prevent them. Here he complimented the vigilance and industry of the present Collector in the highest terms. He had done his duty as far as he could, and the present bill would give that power which is required to make his exertions effectual. He stated, on the authority of an Appraiser, what was the practice in the Appraising Department.

Having gone through these statements, he inquired where was the security which this law was to give to the revenue? It was alleged that the foreign manufacturer and agent are honest men, who are to be trusted. Yet members of this House, it had been declared on this floor, could not be trusted to calculate their own mileage : and the Speaker could not be permitted to appoint a draughtsman.

He took a view of the condition of the importing business. Before the war, there were about fifty importing merchants in New York : now, there are not more than five or six. At Boston there were thirty or forty : there are now about seven. There are about six or seven out of seventy in Philadelphia ; and they are in about the same ratio in Baltimore. Although there were formerly about 160 importing merchants, he could only now make out about sixteen. The nature of the importing business has also undergone great changes. He admitted the influence which auction sales had had in the corruption of trade, but contended that this corruption had been greatly increased by the successful frauds practised on the revenue.

On the subject of the individuals who are engaged in the importing trade, he stated that many of these were foreigners, who came here to carry on importation, abuse our country, live two or three in a garret, where they make out their invoices, write essays on free trade, and having answered the purposes for which they came, return home to enjoy the profits of their labors. Thus the fair and high reputation of the American merchant had been undermined: but he hoped that the day was at hand when this reputation would be again placed on its once elevated station.

He stated, that from all the evidence he had seen, he was satisfied that in ten years there had been evasions of the revenue to the amount of thirty millions, being an average of three millions a year, in consequence of the fraudulent invoices of ad valorem goods. He then referred to the progress which smuggling had made within a short time, on the frontier. From an investigation, he had recently come to the inevitable conclusion, that great frauds were thus committed on the public.

After going through the general subject, he explained the details of the bill, as regards their character and operation, obviating the objections which had been made against it. The Committee had avoided the introduction of any new principle, and had kept as near the letter of the old law as possible.

He concluded with urging on the House the necessity of enacting some remedies for the

evils which had been proved to exist.

The subject was then postponed for other business, until the 26th of April, when upon motion of Mr Mallary the house again went into Committee of the whole, and resumed the consideration of the bill.

Mr McDuffie replied to Mr Mallary, and commenced by saying, that the bill under consideration was designed to enforce existing laws of the country, and effect a more faithful collection of the duties on imports. This was an object right and proper in itself, and one which he was willing to promote. He would be always in favor of enforcing the faithful collection of the revenue, even though he might object to the laws, by which it was levied. In this case, however, he would attain the faithful collection of the revenue by a mode different from that contemplated by the bill. He would do it by diminishing the duties, and thereby removing the inducement to evade the duties. With this view he moved to amend the bill by striking out all of the bill after the first section, and inserting provisions reducing the duties on woollen and cotton manufactures, iron in bars and bolts, hemp flax, molasses, indigo, cotton bagging, to what they were previous to the tariff of 1824; and that the duty on salt be reduced to 15 cents per bushel of 56 pounds, from and after the 30th of June next, and 10 cents after June, 1831.

Mr McDuffie said that the course prescribed by his amendment, would afford the best security for the faithful collection of

the revenue. He expressed his conviction that the present Tariff system was not only destructive of our commerce, ruinous to our commercial marine, and oppressive on the Southern States, but also oppressive on the great mass of the community, even on the manufacturing States themselves, where nine individuals are injured for the benefit of one. He then went at great length into all the arguments which have been from time to time advanced against the Tariff policy, and continued his argument on that question during the residue of that day and also the 28th and 29th of April, when the bill was again considered. The discussion being thus begun, was continued in Committee on the 3d, 4th, 5th, 7th, 8th, 10th, and 11th of May, when the bill was reported to the House with an amendment, which was in effect the substitution of a new bill, having, however, the same object in view. This bill with some unimportant amendments will be found among the Acts of Congress in the second part of this volume.* Upon the report being read, Mr McDuffie moved the amendments proposed by him in Committee. The first, reducing the duties on woollen manufactures, was negatived, 68 affirmative, 120 negative. The second relating to cotton, hemp, iron, molasses, &c, was negatived, 70 aff. 117 neg. and the third reducing the duty on salt, to 15 cents per bushel after September 1st, 1830, and 10 cents after September 1st, 1831, was carried, 120 affirmative, 83 negative.

Mr Wilde then moved an amendment, the effect of which was to repeal the tariff of 1828, which was negatived 68 affirmative, 120 negative. Mr Gorham then moved a reconsideration of the 2d amendment proposed by Mr McDuffie relating to the duties on hemp, iron, flour, molasses, indigo and cotton manufactures. Mr Gorham said that he had voted in good faith with the friends of protection, against what was regarded as a general hostile movement against the tariff. His own original objections to the tariff were known, and his reasons for refusing to repeal it after the system had been established. He had now voted with the friends of the system, against any part of the repeal proposed by the gentleman from South Carolina, even on those articles, iron, hemp, &c, on which he most disliked to continue the duty; but as the decision of the House on the salt duty showed that it was willing to diminish the duty on one article, it was necessary to re-open the subject, and see whether it would not also modify the duty on other articles equally deserving of reduction. He, therefore, had made this motion, and went on to sustain it by argument at considerable length.

Mr Storrs, of N. Y. concurred with Mr G. in his objections to the repeal of the salt duty, and in favor of his motion. The State of New York had been a firm supporter of the protecting system, but let its friends repeal the salt duty, and thus touch one great source of her canal fund,

* Vide 2d part, page 222

and force her to resort to a direct tax to supply the loss, and gentlemen would find that State not going with them much longer in supporting the other parts of the Tariff.

After some desultory debate the House adjourned to the next day, when Mr Gorham again briefly explained his object in making the motion and asked what would be the effect of now moving the previous question?

The Speaker said it would then bring back the House to the question of reconsideration.

Mr Gorham then asked, that, supposing he withdrew his motion to reconsider, and then moved the previous question, what would be the effect?

The Speaker said the effect would be to bring back the bill before the House in its original shape, as reported by the Committee on Manufactures, excluding all the amendments made in Committee of the Whole.

Mr Gorham said, such was his own view. He would therefore withdraw his motion to reconsider, and move the previous question.

He considered the vote upon the Salt Duty as breaking in upon the present system of revenue, instead of regulating its collection, which was the object of the original bill now under consideration. He appealed to gentlemen whether it was possible to pass any bill on this subject at this Session, if the whole field of debate was thus thrown open. Mr G. concluded by saying, that, under this view of the case, if any gentleman would move to reconsider the vote upon the Salt Duty, so as to make

it possible to agree upon any bill upon this subject, he would, to make way for such a motion, withdraw the motion he had made.

Mr Doddridge, of Virginia, having intimated a disposition to make the motion suggested by the member from Massachusetts, Mr Gorham *withdrew* his motion, and Mr Doddridge moved to *reconsider* the vote upon M Barringer's amendment for reducing the duty *on Salt*.

Mr Wayne, of Georgia, asked whether it was the intention of the gentleman from Massachusetts to renew his motion if the pending motion was rejected.

Mr Gorham declining to make any pledge on that point —

Mr Wayne, taking it for granted that such was the intention of Mr Gorham, made a decided speech against the course now proposed, considering it as a mere proposition, call it by what name gentlemen would, of bargain and sale; against which he inveighed with considerable warmth and zeal.

Mr Barringer, of North Carolina, deprecated a protracted debate on this question of reconsideration, and expressed great regret that so much difficulty should exist in obtaining a reduction of the duty on this necessary of life. He dwelt upon the course of the State of North Carolina in reference to this duty and to the Tariff generally, and made a very strong appeal to the magnanimity and spirit of conciliation of members from other States to grant this little boon to a State which had heretofore asked for so little, and submitted so cheerfully to the laws regulating the duties on im-

ports, and to the general legislation of Congress. Mr B. concluded his speech by a motion for the previous question (which would have been upon the question immediately pending, viz. reconsideration.)

The House refused to second the previous question, by a vote of 98 to 83.

Mr Reed, of Massachusetts, then presented his views of the subject of the duty on Salt. He reviewed the history of the Salt manufacture, from its beginning at the commencement of the Revolution, and its present state. He expatiated on the value of this manufacture and the cheapness of the article now produced by the Eastern manufactories; and showed the very different state of things existing now from that which existed when the duty was fixed — a state of things which in his view afforded a strong argument against the proposed reduction of duty. He repelled the suggestion of *bargain* in this matter, remarking that all legislation was founded on compromise, and that giving it an ill name did not change its general principle.

Mr Vinton, of Ohio, addressed the House at considerable length against the repeal of the duty; when he had concluded —

Mr Thomson, of Georgia, moved to lay the motion to reconsider on the table, and asked for the ayes and noes, but he withdrew his motion at the request of

Mr McCoy, who then spoke in favor of the repeal of the duty, and against the motion to reconsider. He renewed the motion to lay the resolution on the table.

The ayes and noes were then ordered.

The question was then taken and decided in the negative — ayes 95, noes 101.

Mr Polk then made some observations against the motion to reconsider.

Mr Everett thinking the question sufficiently argued, demanded the previous question.

Mr Wayne moved a call of the House, but the motion was negatived — ayes 68.

The call for the previous question was seconded.

Mr Cambreleng asked for the ayes and noes on the previous question, which was ordered.

The House then decided that the main question be now put — ayes 171, noes 25.

The ayes and noes were then ordered on the motion to reconsider.

The question was taken and decided in the affirmative — ayes 102, noes 97.

So the House agreed to reconsider.

The question then recurring on the amendment proposing to reduce the duty on salt,

Mr McDuffie modified the amendment so as to defer the reduction to 15 cents, to the 1st of September, 1831, and the reduction to 10 cents, from and after the 31st December, 1832.

The debate was now renewed, and continued with unabated animation and occasional pungency during several hours.

Messrs Cambreleng, Drayton, Barringer, Angel, Semmes, Craig of Va. Jennings, Wilde and Lea, advocated the amendment, and

the propriety of reducing the duty: and Messrs Spencer of N. Y., Mallary, Storrs of N. Y., Irvin of Ohio, Test, Davis of Mass., and Reed, opposed the amendment for various reasons; some because they were opposed to the reduction as impolitic, and which would not diminish the price to the consumer; others that it was improper, connected with this bill; others that it would put the bill itself in jeopardy, though they were not opposed to the repeal of the duty, if it were an unconnected proposition. For the reason last mentioned, Messrs Ramsay and Miller stated they should vote now against the amendment, although they yesterday voted for it.

The question at length being put on the amendment, it was negatived by the following vote: 98 affirmative, 102 negative

The question then recurring on the substitute to the original bill, agreed to in Committee of the Whole,

Mr Polk called for a division of the question so as to leave for separate decision, the section containing the amendment respecting the duty on iron (the 9th,) offered in Committee of the whole, and after some explanatory remarks by Mr P. and some passages between him and Mr Sterigere on a point of order,

The question was put on all the sections of the substitute, excepting that above mentioned, and agreed to by yeas and nays — yeas 185, nays 11.

The question then came up on the amendment of Mr Scott, striking out the provisos in the 9th section of the bill.

The question being put on striking out the proviso, it was negatived by yeas and nays—yeas 36, nays 140.

Mr Chilton moved to include in the amendment imported iron 'used for axes, hoes, or ploughs, or for any other purpose of agriculture,' and made some remarks against favoring large and wealthy rail road companies, and refusing the same favor to the poor who labored for their bread. He concluded by asking for the yeas and noes on his amendment, but they were not granted, and the amendment was negatived — yeas 57.

Mr Drayton then moved to add to the amendment an amendment providing for a repeal, after December next, of the duty laid on imported slates by the tariff of 1828, and he exhibited a number of reasons, and several facts in support of his amendment.

Mr Buchanan made a statement of facts relative to the abundant supply of slates which Pennsylvania furnished, to show the inexpediency of the amendment.

Mr Carson replied to Mr B. and controverted the propriety of allowing a profit of 300 per cent to the workers of slate in the United States, and Mr Hunt and Mr Ihrie sustained the statement of Mr B. to show the capacity of the country to supply plenty of slate, but that the business could not be prosecuted without the protecting duty.

It being now after 8 o'clock, a motion was made to adjourn — but negatived.

Mr Drayton replied to all the objections, to show that the duty was onerous and improper.

The question being then put,

the amendment offered by Mr D. was rejected — yeas 55.

Mr Tucker rose to move an amendment, that after June next, the duty on molasses be reduced to five cents a gallon. He confessed that he had, when the obnoxious tariff law of 1825 was before the House, voted for the high duty on molasses, in hopes of killing the bill; he thought he could make good come out of evil; but he was deceived. He did not think the friends of that bill would swallow the molasses, but he was disappointed. As he, however, had aided to put on the duty, he now wished to try to take it off, and he asked the yeas and nays on the question: but they were refused by the House: and

The amendment was negatived without a division.

Mr Drayton then moved that after the 30th of June next, the same duty now imposed on a ton of slates, be imposed on 1000 slates, for reasons which he explained; but the motion was negatived.

The question was then put on the amendment of Mr Scott, to insert the 9th section, which was carried, yeas 103, nays 69, and the bill ordered to a 3d reading, 118 affirmative, 24 negative.

On the 13th of May the bill was read a third time, and the question stated — ‘shall the bill pass?’

Mr Hall, of North Carolina, made a few remarks, embracing his objections to this bill and to the system of which it is a part; and stating that even had the repeal of the duty on salt been retained, much as he desired that measure, he could not have voted

for the bill. He called for the yeas and nays on its passage, and they were ordered.

Mr Tucker, of South Carolina, entered pretty largely into a statement also of his objections to the bill, and to the protecting system.

He was followed by Mr Chilton, of Kentucky, who argued earnestly at some length on the same side, and concluded with a motion to lay the bill on the table, which was negatived.

Mr Cambreleng briefly stated why he should vote for the bill, notwithstanding his repugnance to some of its provisions, which he deemed improper, but which he relied on the Senate to rectify.

The question was then put on the passage of the bill, and decided in the affirmative by the following vote: 127 yeas, 41 nays.

In the Senate the bill was referred to the Committee on Commerce, which reported it with verbal amendments, and on the 19th of May it was brought up for consideration, when the amendments were agreed to. Mr Chambers then moved further to amend the bill by inserting in the sixth line of the third section, after the word ‘article,’ the words ‘of same price in the invoice;’ it was determined in the negative, as follows: yeas 18, nays 24.

The bill was then further amended and reported to the Senate; and the amendments being, in part, concurred in, the bill was further amended, and on the question of engrossing the bill for a third reading, it was determined in the affirmative — 28 yeas, 14 nays.

The bill was then sent back to the House, where the amendments were concurred in, and the bill being sanctioned by the President became a law.

The divisions so frequently taken during the progress of this bill, showed that a strong party in the House was in favor of reducing the duties on salt and molasses, and it was determined to urge these subjects on the consideration of Congress. As many had declared their willingness to vote for a reduction of the duties on these articles, but had intimated a wish to have the subjects distinctly presented, separate bills were introduced for each article. The salt duty had been frequently agitated during the session, and on the 13th of May, Mr Taliaferro moved a resolution to instruct the Committee on Ways and Means to prepare a bill to reduce the duty to ten cents per bushel, and after September 30, 1831, abolishing the duty altogether. This resolution was discussed during the hour allotted to the consideration of resolutions on the 15th, 17th, and 18th of May, when it was withdrawn, the mover having been informed that the Committee had prepared a bill on the subject.

On the 19th, accordingly, Mr McDuffie, from the Committee on Ways and Means, reported the following bill :

Be it enacted, &c, That the duty on salt be fifteen cents per bushel of fiftysix pounds, from the 31st of December next, until the 31st of December, 1831, and after that time, ten cents per bushel, and no more.

The bill having been read, Mr Earle opposed the second reading of the bill.

The question being put — ‘ shall the bill be rejected ?’ Mr Davis, of South Carolina, moved a call of the House, which was ordered.

The call was proceeded in until the doors were closed, when further proceedings were dispensed with, and the doors were opened. Mr Miller briefly gave his reasons for voting in favor of this bill.

Mr Davis, of Massachusetts, spoke against the present reading of the bill a second time, and pledged himself, if it were postponed, to offer a resolution, calling for information which was necessary for the correct action of the House. He moved to postpone the bill till the first Monday in January.

Mr P. P. Barbour asked for the previous question — yeas 92. So the call was seconded.

Mr Powers moved to lay the bill on the table.

On the call of Mr Conner the ayes and noes were ordered on this question.

The question was then taken and decided in the negative — yeas 83, nays 102.

The ayes and noes were then ordered on the question — ‘ shall the main question be now put ?’ which main question is — ‘ shall the bill be rejected ?’

The question was then taken, and the House determined that the main question shall be now put — yeas 110, nays 73.

The question was then taken on the question — ‘ shall the bill

be rejected?" and decided in the negative — yeas 84, nays 102.

On the 20th the bill was read a second time, when Mr King, of New York, moved that the bill be committed to the Committee of the whole House.

Mr McDuffie opposed this course, as merely going to produce delay and a defeat of the bill, which if there was a majority favorable to the object should be acted on immediately to effect its passage this session.

Mr Ingersoll moved that the Committee of the whole be instructed to amend the bill so as to reduce the duty on molasses to five cents per gallon, and to allow a drawback on spirits distilled from foreign molasses.

Mr Ingersoll said, if there was one article on which the tariff of 1828 operated unjustly, it was that which he now sought to relieve. The injustice of the double duty imposed on molasses, in 1828, would be very generally acknowledged, and by none more frankly than those by whose votes the increase was effected. No man would now deny that molasses was loaded with a heavy duty for the purpose of rendering the tariff odious. It was hoped by the Southern gentlemen who voted it in, that the bill would be thus drugged by too heavy a dose to go down. In that they were disappointed, and he was glad to see a disposition, which had been expressed on a late occasion, by one of those who were in the vote, to undo what had in that respect failed to answer the object intended. Mr Ingersoll felt more soli-

citude on this subject at the present time, from having recently examined with care the report from the Treasury Department, in regard to the commerce and navigation of the country for the past year. He found in that document that our trade with Cuba, the island from whence our greatest importations come, had declined nearly a million of dollars during the past year from what it had usually been. The cause of this decline was principally to be attributed, as he learned from a most intelligent resident in that island, to the fact, that under our present heavy duty upon molasses, taken in connexion with the expenses of freights and casks, the islanders could not make sales of the article to us to any extent; and they now actually spread over their land and use as manure immense quantities of molasses, which they would gladly exchange for the lumber and breadstuffs of our country if we would but let the trade go on. Are gentlemen aware, said Mr Ingersoll, that the trade with Cuba is one of the most valuable branches of our foreign commerce? It stands on the list next to England and France in amount, and strike out the articles of cotton and tobacco, which go to these countries, and it will exceed our trade with both nations. Nay, sir, as a market for our breadstuffs it is more valuable to us than all Europe. It is, too, a trade in which every section of this country is deeply interested — it has no sectional bearing. It takes, in large quantities, the rice

of the South, the lumber of North Carolina, the grain and beef of the West, which descend the Mississippi, and find there almost their only foreign market—the flour of the Middle States, the corn, meal, lumber and live stock of New England. Besides this, immense quantities of our manufactured articles find an outlet there. Not those manufactures which are obnoxious to some parts of this country, but those which are produced in the workshops of our mechanics in every State of the Union—such as hats, leather, carriages, shoes, harnesses, soap, candles and cabinet furniture. A trade like this is one of the last that should be shackled. We impose heavy duties on European goods, because we cannot barter away our breadstuffs or agricultural products for them; but here is a market that offers to take everything that you will send—it invites to it every interest that can be named. Why, then, cripple it by an ungenerous regulation of your own? and why visit your heaviest tax upon the humblest article which goes into the consumption of the poorest people of the country?

Mr Ingersoll said he would say a few words as to the proposed reduction of the duty on salt, as he might not have another opportunity to give his reasons for the votes he had given, or should give, on that question. The salt trade of this country had not been correctly represented. We have heard much of the salt tax, as bearing severely and peculiarly on the poor: and so far as that

was the case, he could go as far as any man in extending relief. But there never was a time, even when salt was duty free, that it could be had cheaper than it now can, even on the seaboard; and never so cheap in the interior, near the extensive salt works which have grown up under the operation of the existing duty. The bulk of our importation of salt, and on which most of the duty operates, is not the coarse West India salt, used to pack provisions, and which is consumed principally by the poorer citizens, but the refined, or blown salt, as it is called, which we import from Liverpool, or other ports of Great Britain. The value of foreign salt imported during the last year, as appears by the Treasury returns, amounted to 714,618 dollars, of which 467,213 dollars was imported, not from Turk's Island or from any West India port, but from England and Ireland. This kind is imported principally in its refined and manufactured state, for the tables of the rich, and is as fair a subject for revenue as any one that can be named. He should be opposed to reducing the duty on this refined article; but would cheerfully reduce the duty on the coarse and strong West India or Turk's Island salt, because that was used by the poor, and goes largely into the agricultural operations of the country. Should the amendment which he now offered prevail, he pledged himself to follow it up by another, making a discrimination on salt, that he thought would be acceptable to every part of the House.

Mr Tucker, for the purpose of bringing on a decision upon the bill by itself, moved the previous question; which motion being seconded by a majority, and the previous question being sustained by a vote, by yeas and nays, of 98 to 96.

The main question was then put, viz: 'shall the bill be engrossed and read a third time?' and was decided in the affirmative by the following vote: yeas 103, nays 87.

On the 27th of May the subject was again resumed and the question on the passage of the bill being stated, a motion was made by Mr Storrs, of New York, that the said bill be recommended to the Committee of Ways and Means, with instructions so to amend the same as to postpone any reduction of the duty on salt until the 30th September, 1831.

Mr Storrs alleged as a reason for his motion that he wished to give the State of New York time to alleviate by her legislation the effect of this measure on her interest, and to adapt her policy to a change which would inflict so great an evil on her pecuniary interest.

Mr P. P. Barbour moved the previous question.

Mr Stanberry moved to lay the bill on the table; on which motion Mr Vinton demanded the yeas and nays, and they were ordered.

Mr Potter moved a call of the House.

[At this moment a number of the Senators coming into the Hall, it was ascertained that the Senate had adjourned; and as the joint

rules of the two Houses provide that 'no bill that shall have passed one House, shall be sent for concurrence to the other, on either of the three last days of the session,' it became a question, whether it would be worth while to pass the bill under consideration, inasmuch as this was the last day on which a bill could be sent to the Senate for concurrence, and the Senate had now adjourned.]

Mr Taylor was of opinion that as the Senate had adjourned, it would be useless to pass the bill, as it could not be sent there for concurrence.

Mr McDuffie said it was evident that the Senate had by inadvertence overlooked the rule, and had adjourned without being aware of the effect; therefore, doubtless something would be done to remove the difficulty, as there were several bills which it was indispensable to pass. He hoped, therefore, the House would go on with this bill and pass it.

Mr P. P. Barbour thought the bill could be sent to the Senate, notwithstanding it had adjourned. Suppose the Senate was not to sit two of the four last days of the session; could that deprive the House of the benefit of all the bills which might be passed by it? Sir, said Mr B., the Clerk of this House can deliver this bill today, if it pass, to the Secretary of the Senate, and the Senate can tomorrow take it up and act on it, although it be not in session today when the bill goes there.

Mr Vance now moved that the House adjourn, and the yeas and

nays being demanded by Mr Lamar, they were taken, and the motion was negatived — ayes 54, noes 127.

Mr Sterigere moved to lay it on the table, and the motion for a call of the House was ordered to lie on the table. The question was then taken on laying the bill on the table, and negatived — ayes 83, noes 99.

The previous question was then seconded by a majority of the House, and the previous question was carried by yeas and nays, 108 to 78.

The main question was then put on the passage of the bill and carried in the affirmative — ayes 105, noes 84.

So the bill was passed and sent to the Senate for concurrence.

In the Senate it was reported by the Committee on Finance without amendment, and on the 29th of May, on motion of Mr Smith of Maryland, the Senate took up for consideration, as in Committee of the Whole, the bill entitled 'An act to reduce the duty on salt' — yeas 25, nays 12.

Mr Sanford then moved to postpone the bill indefinitely, which was negatived by the following vote : yeas 13, nays 24.

Mr Silsbee then moved to amend the bill by striking out all after the enacting clause, and inserting — *that from and after the 30th of June, 1832, the duty on salt shall be 12½ cents per bushel of 56 pounds, and no more*, which was negatived by the following vote : yeas 14, nays 20.

The bill was then reported and ordered to be read a third time —

yeas 24, nays 15, and became a law.

The bill reducing the duty on molasses met with less opposition. The duty itself had been augmented in reference to other objects, and those whose votes had contributed to that result were particularly anxious to remedy the evil that had been caused by their indiscretion in a moment of anger. On the 21st of May, Mr McDuffie, from the Committee of Ways and Means, reported a bill to reduce the duty on molasses to five cents per gallon, and to allow a drawback of four cents per gallon, on spirits, distilled from foreign materials.

The bill being read the first and second time, Mr McDuffie moved that the bill be engrossed for a third reading.

A call of the House was moved and ordered, but suspended before the Clerk had got through the roll.

Mr Wickliffe moved to lay the bill on the table, and asked for the yeas and nays on the motion, which being ordered, the question was taken, and the motion decided in the negative — ayes 56, noes 120; and the bill was ordered to be read a third time by a large majority.

On the 27th of May it was read a third time and put on its passage.

Mr Barringer moved the previous question, fearing that debate might arise on the bill and endanger it by delay.

Mr Vance moved to lay the bill on the table, which was negatived; and the previous question being

seconded and agreed to, the question was put on the passage of the bill, and decided in the affirmative, by yeas and nays, 118 to 60.

So the bill was passed and ordered to be sent to the Senate for concurrence.

In the Senate it was referred and being reported without amendment, it was on the 29th of May ordered to be read a third time, and passed by a vote of 30 affirmative, 8 negative.

The attempts to reduce the duties on these important articles at last proved successful, in consequence of each subject having been presented distinctly and separately to the consideration of the House. A bill introduced by Mr McDuffie, at an early period of the session (Feb. 5), for the same purpose, but including also a reduction of the duties on woollen and cotton manufactures, iron, flax, hemp, &c, was refused a second reading and laid upon the table, 107 yeas, 79 nays. The House evinced its determination to keep each subject of consideration distinct and separate, and to avoid a renewal of the interminable discussion concerning the tariff policy on abstract principles. A bill to reduce the duties on tea and coffee was sustained on different grounds. These articles did not come in competition with any domestic productions, and a reduction of the duties was advocated on account of their being of primary necessity, and lower duties being more conformable to the flourishing condition of the public finances. A bill for that pur-

pose was reported to the House on the 5th of February from the Committee of Ways and Means, and after being twice read, it remained on the table until the 14th of April, when Mr McDuffie moved in the Committee of the whole to take up this bill; which motion was agreed to, and the bill was taken up.

On motion of Mr McDuffie, the bill was amended by substituting a specific duty of two and a half cents a pound on coffee, instead of the ad valorem duty, and the period for the commencement of the reduction changed from June 30 to December 31, 1831.

On motion of Mr McDuffie, the bill was further amended by substituting a specific duty on the various teas (amounting generally to about half the former duty), instead of an ad valorem duty, and the period for its operation made the same as that on coffee.

Mr Conner, of North Carolina, then moved to insert a clause to reduce the duty on salt to ten cents a bushel.

Mr McDuffie beseeched his friend from North Carolina to withdraw this amendment. The merchants had been suffering for years for this bill; vessels were now coming in and insolvencies must be the consequence of further delay. The amendment would bring up a tariff discussion, and, although as much opposed to that whole system as any one, he deprecated bringing up the question on this bill. He therefore begged the gentleman to withdraw it.

Mr Conner, not apprehending

that his amendment would embarrass the bill, and deeming it a proper opportunity for trying the question, he declined withdrawing his motion.

Mr Barringer, of North Carolina, then moved so to amend the amendment of his colleague as to make the reduction of the duty on salt gradual — first to be fifteen cents till December 31, 1832, and after that time ten cents.

The question being put on the propositions successively, they were both negatived by large majorities.

On the suggestion of Mr Gorham, and after some explanation from him, the bill was so modified as to apply to teas imported from 'any place east of the Cape of Good Hope,' instead of 'from China' alone.

Mr Cambreleng moved to amend the bill so as to put coffee on the same footing as to the privilege of being deposited in the public stores, as tea.

This motion brought on some discussion between the mover and Messrs McDuffie and C. P. White, in the course of which the last named gentleman, in illustration of the subject, read the following statement :

Coffee imported in 1827, .	50,051,986 lbs.
Exported,	21,697,789 lbs.
Consumed,	28,354,197 lbs.
Coffee imported in 1828, .	55,194,697 lbs.
Exported,	16,037,964 lbs.
Consumed,	39,156,733 lbs.

The amendment was ultimately agreed to.

Mr Pearce made an unsuccessful

motion to insert a clause, to allow, after a certain period, a drawback of nine cents a gallon on rum; when the bill was reported to the House.

On the 20th of April the House again took up the bill to reduce the duty on tea and coffee, with the amendment reported thereto to the Committee of the Whole.

The amendment respecting tea was concurred in.

The amendment fixing the duty on coffee at $2\frac{1}{2}$ cents a pound, after the 31st December, 1831, coming up, Mr Semmes, of Maryland, moved to amend the amendment by striking out $2\frac{1}{2}$ cents, and inserting one cent as the duty. This duty, Mr Semmes said, was not necessary for the revenue, as under any modification of the tariff, that was likely to take place, the revenue would be sufficient to pay off the national debt as fast as it became due, and as the article did not come in competition with any domestic product, the duty was not necessary for protection. Further, the article was no longer one of luxury, but had become one of general and necessary use, and he for these reasons hoped the duty would be reduced to one cent, at the time proposed, and ultimately abolished altogether.

Mr Burges suggested the propriety of fixing the duty at two cents. This would be a very heavy reduction, and he thought would be sufficient for the present.

Mr Semmes said he would vary his motion so as to strike out the two and a half cents, and leave the blank to be filled with

two or one as the House might decide.

Mr Ingersoll advocated the policy of gradual, not great and sudden reductions of duties. This was the reason why the Committee of Ways and Means reported in favor of two and a half cents, which was a reduction of one half the present duty. This alone would probably take off a million of revenue; and with the reduction on tea would amount to a diminution of two millions of revenue. The best and safest policy, he argued, was a gradual reduction of duties. He feared the amendment, if passed, would embarrass, perhaps defeat, the bill; and the agitation of the question so long before its passage, had already ruined many merchants.

Mr Semmes had abstained from going fully into the merits of the question when he offered his amendment, supposing every one was ready to vote on the subject. As it was opposed, however, he would offer a few reasons, more at large, in favor of his amendment. He did so, and avowed that he had himself been in favor of a total abolition of the duty, for the reasons briefly stated above; but had yielded to the suggestions of some members who were practical merchants, and who thought the total removal of the duty might afford opportunity for frauds, &c, and he had accordingly agreed to keep on a duty of one cent. He was in favor of repealing the duty on all articles which do not come in competition with domestic productions.

The question on striking out two and a half was decided in the negative — yeas 70, nays 81.

Mr Taylor, of New York, then moved to strike out the half cent, so as to leave the duty two cents. This motion prevailed — yeas 96.

Mr Semmes then moved to insert an amendment, to reduce the duty to one cent at the expiration of a year after the duty of 2 cents should go into operation; and for the first time, asked the yeas and nays. They were ordered, and the amendment was agreed to — yeas 108, nays 70.

Mr Reed, of Massachusetts, next moved to insert a clause to reduce the duty on Cocoa to one cent per pound. The present duty is two cents; and Mr Reed said there was last year imported 5,331,000 pounds. The common price is only five cents a pound, so that the duty was a high one in proportion, and the article entered largely into the consumption of the poorer classes. He would not argue the question, but hoped the amendment would prevail.

The amendment was agreed to without a division.

Mr Conner, of North Carolina, now renewed his motion which he had made in Committee of the Whole, modified agreeably to the proposition also made by his colleague (Mr Barringer), to reduce the duty on imported salt, first to fifteen cents, and at a stipulated period thereafter to ten cents a bushel; and he demanded the yeas and nays on the question.

Mr Barringer spoke at considerable length, and with earnestness, in support of the amendment.

Mr Gorham was opposed to trying this often debated and long contested question of a diminution

or abolition of the salt duty on this bill, which was of great importance, had been reported unanimously, and received the general assent of the House, and might be defeated if this amendment prevailed, or was again debated at large. He therefore, for the first time in his life, moved the previous question; but withdrew it at the request of Mr McDuffie, who avowed his opposition to the salt duty as one of the most odious and oppressive features of the system by which the South was burdened; but if the amendment were adopted, it would not only embarrass the bill, but possibly defeat it. He hoped, therefore, the motion would be withdrawn, and not force a resort to the previous question, especially as there was a bill to come up (which he named) on which the motion would be consistent and proper.

Mr Conner denied that the motion would embarrass or defeat the bill, because if there was a majority for the amendment, the same majority would pass the bill. He therefore, for this and other reasons which he stated, but could not be distinctly heard, insisted on the amendment.

Mr McDuffie then moved the previous question, which was seconded by a majority of the House.

Mr Barringer demanded the yeas and nays on the previous question, which were taken, and the main question was ordered — yeas 107, nays 75.

The main question was accordingly put (on the engrossment of

the bill), and carried, and the bill ordered to a third reading.

The bill was accordingly passed the next day and sent to the Senate for concurrence.

In the Senate the bill was passed on the 13th of May, after an ineffectual attempt to insert a provision, reducing the duty on salt, which was rejected, 20 yeas, 26 nays.

The other amendment reported by the Committee on Finance not being important, were sanctioned by the Senate and concurred in by the House.

A bill abolishing the tonnage duties on vessels of the United States, and of all countries, where the discriminating duties are abolished upon vessels of this country, was brought forward in the Senate, and having passed that body without much opposition received the sanction of the House and of the Executive, and became a law.

Other measures, proposed with a view of modifying the revenue system were left for future consideration, or laid on the table as visionary and impracticable.

Among the former of these was a bill proposed in the Senate to alter the terms of credit on custom house bonds, with an ultimate design to establish a system of cash payments of duties.

This bill passed the Senate but remained in the House at the end of the Session among the unfinished business.

Among the latter was a bill proposed in the Senate by Mr Benton, which, like the advertisements of quack medicines, had

the catching title ' to provide for the abolition of unnecessary duties, to relieve the people of sixteen millions of taxes and to improve the condition of the agriculture, manufactures, commerce and navigation of the United States.

Another bill of the same class was reported in the House by Mr Cambreleng from the Committee of Commerce.

This bill proposed to vest the President of the United States with power to arrange the commerce between the United States and other countries upon the following footing viz : Whenever he should be satisfied that the produce and manufactures of the United States could be imported into any country at a rate of duty not exceeding thirty per centum, ad valorem, he was authorized, by proclamation, to admit twelve months after its date the importation of the produce and manufactures of that country into the United States at the same rate of duty.

On the 30th of April, when this bill was reported, Mr Cambreleng moved that it be committed to the Committee of the whole and printed.

Mr Mallary called for the reading of the bill; and it having been read, he said it would be impossible to act on such a measure at this session, if it ought to be acted upon at all; therefore, he moved to lay the bill on the table. At the request, however, of Mr Cambreleng he withdrew the motion to give an opportunity for explanation.

Mr Cambreleng said that the

majority of the Committee on Commerce, under whose directions he had reported this bill, were perfectly aware that the sentiments of the majority of the House were in opposition to it at this time. The Committee had directed him to say that it was not their intention to ask for its consideration during the present session — perhaps not at the next. The provisions of the bill are novel and important, and require matured deliberation. All that the Committee now desire is, that the measures should go forth to the nation — that it may be generally understood, and that the great agricultural interest of the country should determine for themselves whether they will exchange the produce of their farms for the merchandize of other countries, on terms of just reciprocity. There is no novelty in the principle of the bill — it merely proposes to carry out the rule of reciprocity which this Government has acted upon ever since the war. We have been for sixteen years proposing to all nations to abolish all restrictions on navigation — we have been proclaiming that we were ready whenever they were, mutually to exchange productions on reciprocal terms. This I know is not the doctrine of some gentlemen in this House, but it is the voice of two thirds of the American people. They are willing to exchange the vast amount of their own productions for those of all other nations who are willing to receive them on terms of fair reciprocity.

Sir, we cannot be insensible to the contest now going on in Eng-

land — a contest between the democracy and aristocracy of that country, similar to that which we now see in this country — where the democracy, who are crying for cheap bread, are oppressed as the democracy of this country is by the aristocracy. Sir, what have I seen in this House? How were the tariffs of 1824 and 1828, passed? Have we not all seen duties voted by majorities of four and five votes? Were they not carried by the votes of those who were interested directly or indirectly in the stock of cotton and woollen companies — of members whose patriotism lies in the pocket — who imagined that their bankruptcy or prosperity depended on the vote they might give? Did not the ultimate fate of the tariff of 1824 depend on the casting votes of the Speaker, given on some of the items of the bill? Yes, sir, I say there is in this country an aristocracy of manufacturing capitalists who would, if they could, grind the democracy of this nation to ashes, as the nobility of Great Britain would the poor laborer who cries for bread. Sir, the Committee entertain no delusive hope that this bill will affect the policy of Great Britain — at least for some years to come. No — her policy in relation to grain is regulated and controlled as ours has hitherto been here, by those who are deeply interested in perpetuating monopoly. The great land proprietors of the House of Lords — the hereditary nobility — control the policy of Great Britain by their votes. It is not to be expected that a majority of that description will con-

sent, at least for the present, to receive our grain in exchange for British productions. Neither is it probable that France will, for some time to come, reciprocate commerce with the United States on the equal terms proposed by the bill. But there are other nations with whom a beginning may be made. Portugal is one. We had once a valuable trade with that country — it has been entirely sacrificed by the unwise restrictions of both countries. There are in our commerce with that nation no conflicting interests. I have no doubt that a treaty stipulating commercial reciprocity might be formed with that nation tomorrow, by which we should very soon enjoy a large and valuable trade with that country in the mutual exchange of our productions. There are countries, also, in the North of Europe with whom reciprocal arrangements might be made. But I have gone further into this question than I had intended to do.

The Committee merely propose the measure for the consideration of the House and of the nation — the laboring, the mechanic and the agriculture interests of the country — they have no expectation of changing the opinions of our masters, whose pecuniary interests are involved. We ask nothing, sir, from the majority of this House, but what we have a right to ask. The minority has its rights as well as the majority. They have a right to expect parliamentary courtesy from the majority — an opportunity to be heard — to have their measures fully and fairly debated.

—an open and an honorable contest. This new course of arresting measures at their second reading—of stopping inquiry and stifling debate, is not only extraordinary, but alarming. Whenever such should become the practice of a majority of the House, he should consider it one of the most alarming symptoms of approaching dissolution. We do not, I repeat it, desire to go into this debate during this session. Let the measure go forth to the nation—let us debate it at the next session, and then let gentlemen do as they please with it.

Mr Mallary asked what was the real character of the bill proposed? It is a measure that is intended to give the power to the President to control the great interests of this country. No such power should be put into the hands of any one man living.

The gentleman tells us that the whole manufacturing interest is in the hands of an aristocracy, who oppress and grind to dust the democracy of the nation. This shows clearly and plainly that he knows nothing about either the aristocracy or democracy of the country. I say that the great agricultural interest north of Mason's and Dixon's line, and a solid proportion South of it, are in favor of the protecting policy—the Tariff. If the gentleman wants to find friends and advocates to that policy, let him go into every hamlet and house in Ohio, Pennsylvania, New York, New England, and he will find a vast majority in its favor. Talk of the aristocracy of the country! It is the real democracy of

the United States, who are the friends and advocates of the protecting system. Not British agents—Liverpool merchants. Talk of aristocracy! The farmers, the agriculturists, are the men who support the Tariff. They well know that the manufacturer gives a market for their productions, which no foreign nation allows. If our farmers did not know that their interests, their salvation did not almost depend on the manufacturing system, they would be willing to give it up. Sir, the gentleman openly avows that his object in bringing this bill forward is not for discussion or action this session, and perhaps not the next. What then is his intended object? Sir, I think I know. The object manifestly is, to have the measure hang over our protecting policy, *in terrorem*, like a portentous cloud. It is for the purpose of scattering doubts, and fears, and apprehensions, among our manufacturing interests, and to invite foreign nations to press down upon us with all their power, and overwhelm our system of national independence. Sir, I cannot, consent to see such a measure, brought forward under such auspices, held up to terrify and alarm our own country, and give hopes and expectations to another. The gentleman says he does not expect that the bill will make the smallest impression on England. Make no impression on England? I suppose the gentleman considered England a perfect model for our imitation; that free trade was her motto, and that she really meant, what she had published to the world! that she was ready to throw her doors

wide open to the commerce of all nations. He tells us that the measure is intended to help the laboring classes of England — The democrats of England! He says they are crying for bread, and he wants to feed them. His feelings are all engaged for the democrats of England. Sir, I am for sustaining the democrats of the United States. These English democrats have but little affection for their brother democrats this side of the water. They are hostile to our prosperity. They tremble at the sight of a rising manufactory in the United States. They, like the gentleman from New York, would like to see the domestic industry of this country palsied, prostrated. The gentleman says the bill will have no operation on France. We all well know that. France minds her own business. She has adopted the protecting policy; and all the arts and efforts of England cannot divert her from her own independent course. But up the Baltic we can have free trade. Pennsylvania can send corn to Dantzic! That is flattering! We can have the trade of Portugal. That the gentleman seems to suppose would be everything to us. And for these fancied benefits we are to invest the President with the most extraordinary powers. The great interests of this country are to be regulated by the caprice or policy of any nation in the world, and the President compelled to execute it. I would not trust the power he proposes to any man. This is a subject that belongs to Congress; to the representatives of the people. Here let it be retained.

But, said Mr M. the gentleman declares that the bill purposes only reciprocity. Let England put her duties at thirty per cent and we will do the same. Thirty per cent on flour of Ohio, Pennsylvania. Why, sir, it would cost more to send a barrel of flour, worth *five dollars*, in the New York market, to Liverpool, than it would cost to bring one thousand — five thousand dollars worth of foreign manufactures into this country. The difference may be five hundred per cent against us. The farming interest of the United States will not be deluded by such a show of reciprocity.

The gentleman tells us about a *tremendous explosion*, if the friends of the tariff policy persist. Sir, this means, in plain English, rebellion. Are we to be driven from our path of duty — from the true interests of the country, by threats of a tremendous explosion? Is a minority on the floor of this House to tell a majority, you shall submit to our will, or the most dreadful consequences will follow? For one, I will not be driven from my course by such language. When a minority can, on any question, by threats and menace, overawe the majority, this country must be reduced to the most extraordinary condition.

It is worse than no government at all. How are we to decide on any great question, whether it relates to the established policy of the country, or to any new measure presented for deliberation and action? Is a majority to shrink back, give way, surrender, when a minority demands a right to rule? This is the essence of aristocracy. In plain truth,

sir, if Representatives cannot come here and exercise their own independent opinions, without being awed and menaced into submission by those who may happen to differ, the Government is not worth preserving; its republican character is gone.

Mr Wayne then rose to make some remarks, when the Speaker interrupted him by stating that the Clerk had informed him that the bill had received its second reading, by its title, which fact the Chair had overlooked, and the question being now simply on the commitment, it precluded a discussion of the merits of the bill.

Mr Wayne bowed to the decision of the Chair; and after some under conversation between other members.

Mr Gorham, for the purpose of opening the bill to discussion, moved its indefinite postponement.

Mr Cambreleng regretted that he had not on this occasion the powerful aid of the gentleman from Massachusetts — he remembered nine years ago, when the House was electrified by that gentleman for near three hours; and he must say, that he heard on that day, what he thought then, and still thought the most able, eloquent, and convincing argument he ever listened to, in favor of the broad principles of free trade. He hoped that the gentleman from Massachusetts would vary his motion so as to postpone the question till the first Monday in January next; when he was not without hope, that the gentleman from Massachusetts might change his opinions, again become an advocate of free trade; at all events

give the friends of this measure a fair opportunity to defend its merits.

Mr Gorham said, the gentleman from New York must think him very sincere, if, after the extravagant but altogether unmerited compliments of the gentleman, he still persisted in his opposition to this bill, as a measure of the most extraordinary character ever proposed in this House. Sir, said Mr G. this bill contains provisions which, in their operation, will derange our whole revenue system, and change all our commercial relations at home and abroad, introducing at the same time an endless series of frauds and perjuries. It transfers, too, to the President, almost the whole control over the commerce and revenue of the country. If practicable, which I doubt, it will introduce a principle into commercial policy, mischievous in the highest degree.

In the first place, it reduces at once all duties to 30 per cent *ad valorem*, and to the extent of that reduction is a repeal of the Tariff laws; not indeed, as it may suit the interest and convenience of our own Government, or our own citizens, but when the will or interest of any foreign nation may require it. The mere reduction of duties I do not regard as the worst aspects of this part of the bill. It is that foreign nations are to judge for us, and not we for ourselves; that all *specific* duties are, with regard to some nations, to be charged in *ad valorem* duties, and reduced, while, with regard to others, they are to remain *specific*, and at their old rate; and

that the duties on articles of the same kind from different countries, are not only of different rates, but differently estimated. And then, too, what numberless frauds will be practised in fixing this 30 per cent ad valorem, by appraisements without end, not only in our own ports, but in those of the nations which may come into this strange and novel scheme of reciprocity?

Mr Speaker, time does not permit me now to say anything upon the extraordinary principle of transferring to the Executive Department, as this bill would substantially do, almost the whole control over our foreign and domestic commercial relations. Nor can I now enumerate one half the mischiefs of a different character, which would result from the adoption of this most pernicious project. A single instance will serve to illustrate its effects in a hundred other cases; and I will ask the attention of the House to only one branch of commerce — the sugar trade. The sugar of Louisiana is now protected by a duty of three cents per pound upon the imported article, which is more than a duty of 50 per cent ad valorem. The prosperity of that State depends in a great measure upon sugar planting. Now, we bring sugar from Cuba and others of the West India islands, from South America, particularly from Brazil, and from the East Indies, places wholly independent of each other. Should this bill pass into a law, some one of these countries, Brazil probably, (and I believe Brazil alone,) would accept our offer of reciprocating du-

ties; and what would be the consequence? the sugar of Brazil, which costs but four or five cents per pound, would come here charged only with a duty of 30 per cent ad valorem, equal to a duty varying from a cent to a cent and a half less than half the present duty. There can be no doubt, then, that in a very short time the importer of that article would drive the Louisiana planter from his own market. The ruinous effects to that State are obvious; her prosperity is destroyed at a blow. Nor is this all: Brazil will probably agree to this scheme; but Cuba and Port Rico, being dependencies of Spain, could not. The places in the East Indies from which we bring sugar, from the peculiarity of their political condition, could not or would not, adopt it. And thus, the high duty of three cents on sugar, from those places, is virtually a prohibition of trading with them; and our trade at present with Cuba, as every one knows, and particularly in sugar, is one of the most flourishing and important branches of our commerce. Frauds, too, of a different character from those I have mentioned would be resorted to; England and France would not, indeed, cannot reciprocate this rule. But they would be very desirous that we should adopt it with other nations; because, they could, through those nations, derive every advantage from it, without yielding us any equivalent in return. There is little doubt, that Hamburg, Bremen, and all the Hanseatic towns, Sweden and Denmark, and perhaps Holland — some if not all these, would

agree with us. The course of things would then be, that British and French goods would be shipped to those places, and either there, or at home, so marked and packed, that they might be imported into the United States as Dutch, Swedish, or Danish goods, at the reduced duty. And thus, France and England, holding firmly to their restrictive system towards us, would enjoy through other nations, all the advantages of a total relaxation of our system towards them.

The measure, if adopted, is a radical change in our revenue system, and all our commercial relations, and cannot but be followed by the most pernicious consequences. The bill is strangely entitled, a 'bill to amend the navigation laws of the United States,' yet makes no reference to any one of those laws, and contains not one word about either ships, vessels, or navigation. It should be entitled 'a bill to encourage frauds and perjuries, disturb the revenue, and embarrass and restrict the commerce of the United States.' Mr G. concluded by saying, that he had been surprised into this debate; and he threw out those few remarks, the suggestions of the moment, to show the impolicy and ruinous tendency of the measure.

Mr Wayne said he had two things to complain of, one of them in common with the gentleman from Massachusetts — first, he had been surprised into the debate, and then he had been surprised out of it.

[Here the hour expired, and the debate was arrested for the day.]

The debate thus commenced was continued daily during the hour allotted to the consideration of resolutions and reports, until the 4th of May, when Mr Cambreleng moved to postpone the further consideration of the bill till the first Monday in January next.

This motion precludes debate on the merits of the bill.

Mr Bates, who had desired to enter into the discussion, requested that the motion would be withdrawn, but the request was not complied with. Mr Reed gave some reasons why the further consideration should not be postponed.

Mr Storrs, of New York, said, that with a view to place the bill where it should not be heard of again, he moved to lay it on the table.

On the call of Mr Cambreleng, the yeas and nays were ordered on the question.

The question was then put and decided in the affirmative, yeas 130, nays 38.

So the bill was laid on the table.

In addition to the discussions growing out of these proposed bills, extraordinary efforts were made to render the tariff policy unpopular by highly colored statements of its injurious effects upon the prosperity of the country.

The navigation of the United States was asserted to be in a depressed and declining condition; while that of Great Britain was declared to be highly flourishing, and to be supplanting our vessels in various branches of trade for-

merely monopolized by them — results which were attributed solely to the ruinous effects of the tariff. These fables were gravely published to the world in a report of the Committee of Commerce to the House, and being circulated with unremitting industry, gave a momentary alarm to the public mind, and great cause of exultation to the *Edinburgh* and *Quarterly Reviews*. Unfortunately, however, for the predictions and inferences of these theorists, commerce was prosecuted with redoubled activity. The returns of the tonnage engaged in foreign trade showed an increase in 1828 of 65,449 tons : while the increase of the tonnage employed in the coasting trade in 1828 was 55,335 tons. This increase, which was not, however, to be attributed to the tariff, entirely disproved the predictions of the alarmists ; and the fresh impulse given to trade, which had been gradually accommodating itself to the changes in commerce occasioned by the general peace in Europe, dissipated the apprehension of the mercantile class and reconciled them to the modification of the revenue system.

While commerce evinced such striking evidence of its advancing prosperity, the agricultural and manufacturing interests gave equally strong proofs of their being favored in even a higher degree. In the distant West the wilderness was rapidly retiring and giving place to the farms of

the frontier settlers ; while in the older sections of the country, greater attention was paid to cultivating the soil ; new processes of agricultural and more convenient farming implements were introduced ; the breeds of domestic animals were improved, and every indication afforded of the substantial and healthful prosperity of a class so indispensable to the existence of the community. Still greater activity was evinced by the manufacturing interest. The water power, both on the small and greater rivers began to be in demand ; and while large towns, like Lowell on the Merrimac, were suddenly created by the wealth of capitalists diverted into the manufacturing business, single factories of a size proportioned to the power of the fall on the smaller streams, gave employment to the neighborhood, and furnished a domestic market to the farmers in different portions of the country.

The increasing wealth of the community was also exhibited in public improvements of a permanent character, to facilitate internal communication and the transportation of produce to market. Canals and rail roads were commenced to connect the most prominent points and places, and more was effected in this species of internal improvement in the United States within the last five years, than all that had been previously done since their existence as an independent nation.

CHAPTER VI.

Treasury Report for 1829. — Appropriations for 1830. — Support of Government. — Discussion on Bill. — Naval Service. — Marine Corps. — Fortifications. — Engineer Department. — Military Service. — Indian Department. — Massachusetts Claim.

THE annual report of the new Secretary of the Treasury (Mr Ingham), on the state of the public finances was transmitted to Congress on the 15th of December, 1829.

This report showed a balance in the Treasury, on the 1st of January, 1829, of \$5,972,435.

The actual receipts into the Treasury during the first three quarters of the year 1829 were estimated at \$19,437,231, viz :

Customs,	17,770,745
Lands,	972,059
Bank Dividends,	490,000
Miscellaneous,	204,427
Estimated receipts during the fourth quarter,	5,165,000

Total receipts, \$24,602,231

The expenditures during the three first quarters of the year 1829, were estimated at \$18,919,114, viz :

Civil, Diplomatic and Miscellaneous,	2,482,416
Military service, including pensions, fortifications, Indian affairs and internal improvement, &c,	5,155,256
Naval service, buildings, &c,	2,565,979
Public debt,	8,715,463
Estimated expenditures during the fourth quarter,	7,245,481

Total expenditure for 1829, \$26,164,595

Leaving an estimated balance in the Treasury on the 1st of January, 1830, of \$4,410,072.

It thus appeared that during the first year of an administration, which was elected upon professed principles of retrenchment and reform, the expenditures exceeded the receipts \$1,562,364, while they exceed the expenditures of 1828 by the sum of \$675,281, and the expenditures of the preceding year by the sum of \$3,507,831.

The receipts for the year 1830 were estimated at \$23,840,000 viz :

Customs,	\$22,000,000
Lands,	1,200,000
Bank dividends,	490,000
Incidental receipts,	150,000

The expenditures at \$23,755,527, viz :

Civil, diplomatic and miscellaneous,	2,473,226
Military service, &c.	5,525,190
Naval service,	4,257,111
Public debt,	11,500,000

Leaving an estimated excess of the receipts over the expenditures of \$84,473.

The gross amount of duties accruing during the first three quarters of 1829 was estimated at

\$21,821,500, and the debentures for drawbacks during the same period amounted to \$3,059,060.

The amount of debentures outstanding on the 30th of September, 1829, chargeable on the revenue of 1830, was \$1,111,136.

The total amount of the public debt on the 1st of January, 1829, was \$58,406,418.

Consisting of six per cents,	\$16,279,822
Five per cents, including	
\$7,000,000 subscribed to	
Stock of United States	
Bank,	12,792,000
Four and a half per cents,	15,994,064
Three per cents,	13,296,250
Unfunded debt,	44,282

The payments made on account of the public debt during 1829 were, on account of interest, \$2,563,994; towards the reduction of the principal, \$9,841,012, leaving the total debt on the first of January, 1830, at \$48,565,406.

The Secretary, besides furnishing the above statements concerning the public finances, went into an examination of the anticipated demands upon the Treasury, and came to the conclusion, that the duties on various articles might be reduced without any detriment to the public service. Certain regulations were also recommended to prevent frauds on the revenue, and the erection of public warehouses for the purpose of storing goods entered for drawback or on which the duties should not be paid. A change, too, in the credit on bonds for duties was proposed, so as to permit the purchasers to bond the goods instead of the importer, and to make the term of six, nine and

twelve months the average terms of the credits on all importations. Nothing was definitely said as to the propriety of the tariff policy, from which the sentiments of the administration could be gathered. The Secretary's report and the necessary estimates having been furnished to the House, it devolved upon Congress to make the necessary appropriations for the public service.

As the party which had been so clamorous for economy and retrenchment was now in power, but little opposition was to be expected to those appropriations, which were deemed necessary for the ordinary service of the Government; although those items during several years past had furnished the most fruitful topics of debate. It was to be presumed that a reforming party would confine the public expenditure within the proper limits; and so long as no extraordinary drafts were made on the treasury, there was no necessity for the interference of those who were not ranked among the supporters of the administration.

The bills providing for the respective branches of the public service having been reported, on the 17th of January, 1830, that making provision for the revolutionary and other pensioners was taken up, and having passed both Houses without opposition, became a law. By this act \$1,157,961 were appropriated for pensions for 1830, and \$101,700 for the arrearages of 1829.

The bill making appropriations for the support of the Government for 1830 was taken up in the

House on the 9th of February. When the bill was before the Committee of the Whole, Mr McDuffie moved to fill up the blank of the section of the bill containing the appropriation for the contingent expenses of both Houses of Congress with the sum of 135,000 dollars.

Mr Wickliffe moved to amend the bill by adding thereto the following paragraphs :

To defray the expenses of printing for the two Houses of Congress, performed by the public Printer of each House, agreeably to his contracts.

Stationary, book binding, fuel, newspapers, post office, carpenters' work, furniture, repairs to the Senate Chamber and Hall of Congress and Rooms.

Messengers and horses, blank books and ruling paper and books.

Expenses of the Police of the Capitol.

Expenses of witnesses, including officers' fees, for summoning, &c.

Expenses of engraving maps and surveys, ordered by either House.

Mourning and funeral expenses.

Hack hire, when employed in the public service.

Extra clerk hire.

Mr Wickliffe said his object in proposing this amendment was, to confine the contingent fund to the legitimate expenses of both Houses of Congress, and for that purpose he procured from the Clerk of the House an enumeration of the different items of expenditure for the last session of Congress, which are all embraced in the amendment.

Mr Coulter opposed the amend-

ment. He said it would be ineffectual to accomplish the object it professed to have in view, inasmuch as from the very nature of contingent expenses, it would be impossible to enumerate all the articles which the circumstances of Congress may render necessary hereafter. He also said, that it implied a reproach on the character and integrity of the two Houses of Congress, since it deprived them of the discretionary power vested in the other departments of the Government to manage their own funds as their exigencies may require.

Mr Polk supported the amendment.

Mr McDuffie said he would have no objection to the amendment of Mr Wickliffe if he was certain it embraced all the articles of the contingent expenses of both Houses of Congress. He suggested to Mr Wickliffe to amend his proposition by reserving the sum of five thousand dollars to meet expenses which may possibly be omitted in the enumeration he has made. He inquired from what source the specifications in his amendment were procured.

Mr Everett and Mr Ingersoll severally opposed the amendment and expressed their regret that the appropriation bills should be thus encumbered. Mr Ingersoll said that it would be a better mode to introduce a specific bill embracing the objects of Mr Wickliffe's amendment, especially as it would be impossible to anticipate the contingent expenditures of both Houses of Congress. He asked in what department of Government this discretionary

power which the amendment proposed to take away, could be deposited, if not with the representatives of the people?

Mr Barringer opposed the amendment, and condemned the practice of thus attempting to remedy special evils by general legislation.

Mr Ellsworth and Mr Huntington were also opposed to the amendment.

Mr Daniel supported it at considerable length.

Mr Wilde opposed the amendment, and said that the object of it would be much better accomplished by the introduction of a distinct bill to limit the expenditures as proposed.

Mr Polk suggested to Mr Wickliffe a modification of his amendment so as to meet the views of Mr Barringer who expressed his disapprobation of general acts of legislation for particular cases. He said he would make such a motion if Mr Wickliffe would not accept it as a modification of his amendment.

Mr Wickliffe replied that it was not in his power to comply with the request of Mr Polk, as the amendment he offered was not at his own instance, but proceeded from the Committee on Retrenchment.

Mr Polk then moved to amend the amendment by adding to it the following words :

‘To the payment of the ordinary expenses of the contingent fund of the Senate and House of Representatives: *Provided*, That no part of this appropriation shall be applied to pay for any printing not connected with the proceed-

ings of either House of Congress, and executed by the public printer, unless the same be authorized by a joint resolution, or a law providing for the same.’

The amendment was agreed to — yeas 55.

After a few observations] from Mr Taylor the amendment as amended, was also agreed to — yeas 65, nays 61.

Mr Semmes moved to amend the bill by adding the following proviso :

‘*Provided*, That nothing herein contained shall be construed to prevent any expenditure already authorized by either House of Congress.’

The question on this amendment was negatived — yeas 49, nays 53.

Mr Everett proposed to amend that part of the bill relative to the library, by adding to it the following words :

‘For the library of Congress, 5,000 dollars.’

This amendment was agreed to — yeas 56, nays 49.

After some further amendments in Committee on the 10th of February, the bill was reported to the House on the 11th, when the question being on agreeing to the amendments of Messrs Wickliffe and Polk, in relation to the printing, a division was demanded and the vote was 91 yeas, 68 nays.

The question recurring on the bill, Mr Wickliffe asked why the appropriation for the diplomatic service was greater than that for the last year?

Mr McDuffie replied that, until the last year there had been

an accumulation of unexpended balances, which being expended, a larger sum was required for this year.

Some further conversation occurred, in which Mr Ingersoll took a part, when Mr Verplanck rose and disclaiming any intention to make party allusions, stated that Mr Adams provided liberally for the foreign intercourse during the first year of his own term, having when Secretary of State, drawn the bills, or suggested the appropriations; there being, when he came in, a large unappropriated balance. Notwithstanding this, and the fact that his own political friends filled the diplomatic department, he asked for two hundred and thirteen thousand dollars for this fund during his first year. The year after, corresponding to the present year of the present administration, he asked for one hundred and eighty-nine thousand five hundred dollars; then came a call for forty thousand dollars for the Panama Mission. Making a total of four hundred and forty-two thousand five hundred dollars, deemed proper and convenient to be used, and passed by the House, during the two first years of that administration. At the close of that administration there was on hand a surplus fund to a considerable amount. The Secretary of State, with a laudable desire to do up his business, asked for no addition to the surplus fund. Under these circumstances only one hundred and thirty-seven thousand dollars was given for contingencies.

Certain reasons induced the present Executive to make some

recalls; and under these circumstances it was hardly wonderful that some additional appropriation was necessary. The administration now asked two hundred and ten thousand dollars. The amount (he presumed) which would be called for during the two first years of this administration for foreign intercourse would be three hundred and forty-seven thousand dollars. Making a difference of nearly one hundred thousand dollars in favor of the present administration. The administration meant to go back to the good old act of 1810 — an act drawn with more than usual precision — which left nothing to come from the contingent fund. There would be no more constructive embassies — no more forty thousand dollars appropriated for hunting up Congresses which were not to be found; unless, indeed, they were in the moon, or in that other place described by the poet as the ‘receptacle of things lost upon earth.’

Under these circumstances, he presumed the Government would get along the two years for one hundred thousand dollars less than the last administration.

Mr Ingersoll replied that, since Mr Verplanck got up to put me right, he has put *himself* doubly wrong. I understood him to say that, during the two first years of Mr Adams’ term two hundred and thirteen thousand dollars were appropriated for the foreign intercourse. If he will take the trouble to look into the statute books he will see that the sum was but one hundred and forty-seven thousand five hundred dol-

lars. He was also incorrect in stating the sum called for during the last year of Mr Monroe's administration. He says it was two hundred thousand dollars. The book shows that it was but one hundred and seventysix thousand; and that amount was not expended, but was faithfully accounted for by the honorable gentleman then at the head of the State Department.

The gentleman from New York threw out another insinuation, when alluding to the extravagance of the administration when the late President was Secretary of State. Is he aware where that leads him? The appropriations then were liberal. The last year that Mr Adams was Secretary of State, the year 1824, the appropriation was one hundred and forty-nine thousand dollars — liberal, but not more liberal than the present year. In the year 1823 there was but seventy-four thousand dollars called for — not one half as much as is asked for this year. In the year 1822, but eighty-three thousand dollars was asked for this fund. The increase was gradual — the public history explained the cause of the increase; if the gentleman from New York would examine, he would find that the expenses were not more than was reasonable, and not beyond those of the present time. The salaries are all fixed by law, and the sum to be called for is accordingly ascertained. In my previous remarks I made no intimation that there was anything more than necessity called for at present. I would suggest to the gentleman, however, if, in refer-

ring to abuses which have heretofore existed, it is worth our while to run into those which we have condemned? Are we, in the first year of reform, to do the very thing we have once censured? It appears that outfits have been taken this year from the contingent fund. I do not complain because they do this, but because they do now what, during the last administration, they condemned.

Mr Buchanan said, he did not expect the House would get into a party debate upon an appropriation bill. He did not think either of the gentlemen who had spoken had taken a correct view of the subject. It must be admitted, in the regulation of foreign intercourse, that a small saving may be an immense loss. It is the duty of the Executive to have the foreign intercourse so conducted that the interests of the country shall suffer no loss. It could not be possible that the wisdom or folly of any administration was to be tested by the expenditure under one or another head of appropriations. Statesmen looked at the objects, and considered what the country required. I was one that condemned the last administration, not on account of the money expended, but because, in my judgment, they expended it in violation of the law of 1810. That system had grown up under one President, followed by the others, until outfits were charged for appointments made abroad. There had been appointments made of Ministers about to return, converting their Secretaries into *Chargés*, and allowing them four

thousand five hundred dollars for outfits ; and in one case this had been done only to return. But this was a question for the people to settle. The Executive was competent to make recalls, and who would condemn him for using his discretion. It must be an extreme case, indeed, for the House to withhold appropriations enabling the Executive to use a discretion which he was at liberty to use. The people would decide whether his movements were judicious.

Mr Everett said that he agreed with the gentleman from Pennsylvania, who had just taken his seat, as to the cause of the increase in the appropriation. That gentleman had stated it to be the recall of several of the foreign ministers and the outfits of their successors ; and it was evident, from the comparison of the bill of this year with the appropriation law of the last, that such was the fact. He also agreed with the gentleman from Pennsylvania, that the recall and appointment of Ministers was a matter of Executive discretion ; and that it was only in an extreme case that the House would be justified in interposing to withhold an appropriation for the outfit of a Minister thus appointed. Mr Everett begged to recall to the recollection of the House the manner in which this debate arose. The gentleman from Kentucky (Mr Wickliffe), had put the question to the Chairman of the Committee of Ways and Means, why the appropriation for the diplomatic service of this year amounted to one hundred and eighty thousand dollars, while the last year it was

but one hundred and thirtyseven thousand? To his inquiry the Chairman of the Committee of Ways and Means had replied that, there had been, previous to the last year, an accumulation of unexpended balances of former appropriations, which had rendered it necessary to appropriate less for that year ; but that these surpluses being all expended, a larger sum was required for this year. With great deference to the source from which this statement proceeded, Mr Everett could not agree to its correctness. He did not find, in looking at the estimates from the Department of State for 1829, that there was any such surplus under this head of appropriation.

Mr McDuffie said it was far from his intention to say anything which any human being could construe into a party allusion. He did, in reply to the question of the gentleman from Kentucky, state the reason that the balance of the fund was all expended.

Mr Everett said that, the gentleman's explanation was in accordance with his own view of the case, and he was about, himself, immediately to state that, the surplus alluded to was in a different fund, for which no appropriation at all was made in 1829 ; and that consequently the increase of forty thousand dollars in the diplomatic service of the present year over the last, was not owing to any such surplus being added to the appropriation of 1829. It was an increase of expenditure, owing, as the gentleman from Pennsylvania stated, to the recall of the foreign Ministers and

the appointment of their successors. Supposing this matter to be now understood all round the House, he should say no more about it.

He must however, dwell a moment on another point connected with this appropriation, in which, after what had been said, he need not disclaim being a volunteer. These outfits, to the amount of over forty thousand dollars, have been paid, without any specific appropriation. On the contrary, a gentleman from Georgia (Mr Wilde), the last winter, proposed, in Committee of the Whole, to make an appropriation for the outfits of Ministers who might be appointed; and the Committee declined making such an appropriation. They passed the bill as they found it, with specific appropriations for certain designated salaries and outfits, with an estimated addition for contingencies of twenty thousand dollars. This looked rather — when considered in connexion with the refusal of the Committee just alluded to — like excluding all outfits not provided for in the bill. And yet, notwithstanding this, forty thousand dollars, in outfits, for which no appropriation had been made, have been paid during the past summer.

Mr Everett did not mention this as criminating the present administration, but as vindicating the past. It had been asserted and reiterated here and elsewhere, that the late administration had improperly paid outfits out of the contingent fund; and transferred to one object what

was specifically appropriated to another. Now here we have forty thousand dollars expended in outfits, without any specific appropriation; although two outfits, he believed, were specified in the act of last year. From what fund the money was taken he could hardly tell. That part of the estimates was not very clear. There is no such thing as a 'diplomatic fund' known to the appropriation law. The sum now asked for appears to be asked as a repayment of so much taken from other items. Of this he was not disposed to complain; but he hoped gentlemen would now feel how unjustly the late administration had been criminated for a course so soon adopted by the present, and which must of necessity be adopted by any, administration.

Mr McDuffie replied that, whatever other people had said, he had made no such charge against the late administration, nor had he said such appropriations were wrong. Whoever made such objection could not understand the subject.

Mr Everett replied that, he did not maintain that the gentleman from South Carolina, individually, had held this doctrine. But it had been distinctly laid down, in the reports of two Committees of the House, at the last Congress, the Committee on the Expenditures of the Department of State and the Retrenchment Committee. The latter Committee had recommended the abolition of the fund for the contingent expenses of the Foreign Missions on the ground that it enabled the Ex-

ecutive, at his discretion, to augment the allowance to Foreign Ministers.

Mr Cambreleng thought the gentleman from Massachusetts must have confounded the Secret Service Fund with the Fund for Foreign Intercourse. That was the only fund which the Committee on Retrenchment proposed to abolish.

Mr Everett said, I am not mistaken. The Committee of Retrenchment proposed to abolish the fund appropriated for 'the contingent expenses of all the missions abroad,' as the gentleman from New York would find by turning to their report.

Mr Norton said, during his legislative life he had always voted for the largest sum reported by the Committee. He was not one who expected to build himself up by talking of retrenchment. He did not feel as if he was called upon to inquire whether the sum received was large or small; he trusted to the able gentleman who was at the head of the Committee of Ways and Means, and he should vote for it as it stood.

The bill was then passed and sent to the Senate for concurrence.

In the Senate the bill was taken up on the 4th of March and an amendment reported by the Committee of Finance to strike out the amendments proposed in the House by Messrs Wickliffe and Polk, in relation to the printing of Congress, became the topic of discussion. The debate was interrupted by other business and postponed to the next day, when the bill was again taken up.

A division was called for by Mr Barnard, and the question was taken on the first member of the sentence, viz: to strike out the words, *Provided*, That no part of the appropriation shall be applied to any printing other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, during the session, and determined in negative — yeas 22, nays 23.

On the question to strike out the residue of the sentence, viz: and executed by the public printers agreeably to their contracts, unless authorized by an act or a joint resolution; it was determined in the negative — yeas 22, nays 23.

A motion was made to strike out the outfits of the new ministers appointed since the 4th of March, 1829, and negatived — yeas 3, nays 39.

Certain unimportant amendments were then made in the bill, which was passed and sent to the House, where the amendments were concurred in and the bill became a law.

By this act the following appropriations were made, viz:

For the expenses of the Executive Department, including salaries of Vice President, all the Departments at Washington and of the territorial governments, . . .	\$640,184
Of Diplomatic intercourse, . . .	248,500
Of Congress, . . .	670,050
Of the Judicial Department, . .	243,023
For light-houses, beacons, &c. .	231,103
For pensions, . . .	1,750
For miscellaneous expenses, . .	67,700
For taking the census of 1830, in addition to \$350,000 formerly appropriated, . . .	250,000

The bill making appropriations for the naval service for 1830 was taken up on the 23d of February, and having passed the House was sent to the Senate, where it also passed without amendment and became a law.

This act appropriated for pay, subsistence and provision,	\$1,978,666
Repairs of vessels,	590,000
Medicines and hospital stores,	30,500
Ordnance and ordnance stores,	30,000
Repairs and improvement of navy yards,	180,500
Gradual increase of navy,	152,380
Enumerated contingencies for 1830,	250,000
Non enumerated contingencies,	5,000
Expenses of marine corps for 1830,	188,465
Arrearages of marine corps for 1829,	11,973

Besides the appropriation for arrearages in 1829, for the marine corps, a law was also passed for the arrearages in the naval service for that year, appropriating

For pay and subsistence,	\$136,923
For repairs of vessels,	82,841
For contingent expenses,	30,392
For medicines, &c,	2,598
For marine corps,	16,757

An act was also passed for repairing and fitting out the Frigate Brandywine, appropriating \$92,369 for that purpose.

An additional sum was also appropriated for the Marine Corps the last day of the session, in consequence of a determination of the new fourth Auditor (Amos Kendall) to introduce a reform in his Department. In his zeal to do this he refused to make certain extra allowances to the officers of the Marine Corps, which had been habitually made, on the

ground that they were not authorized by any law.

When this *reform* was brought to the knowledge of Congress, a joint resolution was passed directing those unauthorized allowances to be made as formerly; and on the last day of the session, upon discovering that these allowances had not been included in the estimates presented to Congress by the Department, a law was brought in and hurried through both Houses, appropriating in general terms a sum sufficient to pay those extra allowances. The sole effect of this reform was to cause great distress to the officers of that corps, who were curtailed of their pay for nearly a year, and finally loose and hasty legislation to remedy the evil.

The sum formerly appropriated for the suppression of the slave trade was reappropriated at the last day of the session as an expenditure falling under the supervision of the Navy Department.

No change had been recommended in the policy adopted by the Government, to gradually place the coast in a state of defence by fortifying the principal points and seaports, and the bill appropriating the necessary sums for that purpose encountered no serious opposition.

By that bill the following sums were appropriated for the completion of fortifications, viz :

For Fort Adams,	\$100,000
" " Hamilton,	86,000
" " Monroe,	100,000
" " Calhoun,	100,000
" " Macon,	60,000

Fort at Oak Island,	\$60,000
Fortifications in Charleston, . .	25,000
“ at Mobile point,	90,000
“ Jackson,	85,000
“ Pensacola,	130,000
Contingencies and purchase of a site for a fort,	15,000

The bill making appropriations for the Engineer, Ordnance and Quarter-master's Department was taken up in the House, March 30th and continued under examination the next day and also April first and fifth. An appropriation of \$150,000 for arming the new fortifications was stricken out by the House—yeas 130, nays 43. A motion made by Mr Crocket to strike out an appropriation of 2,500 dollars for erecting a military laboratory at West Point was negatived: as was also a motion to strike out an appropriation for a military road in Arkansas, and one for the purchase of five and a half acres of land in Springfield for the use of the national armory.

The bill was amended in the Senate and the House concurred in two of the amendments. From the other amendment it dissented and the Senate receding from it, the bill passed and became a law.

By this act appropriations were made

For barracks,	\$69,064
“ store-houses,	3,500
“ armories and arsenals,	47,700
“ roads,	49,452
“ miscellaneous,	44,421

The military appropriation bill for 1830 was taken up on the 22d of February, and was sanctioned by both Houses without opposition. It made the following appropriations:

For pay of the army and subsistence of officers,	\$1,063,909
Forage and subsistence,	341,719
Clothing,	156,774
Medical and Hospital Department,	28,000
Quarter-master's Department	407,000
Military Academy,	24,163
Contingencies,	10,000
National armories,	360,000
Armament of fortifications, . .	100,000
Current expenses of ordnance service,	56,000
Arsenals,	90,000
Recruiting service,	8,377
For arrearages prior to 1817, . .	6,000
“ “ of 1828,	270

The appropriations for the Indian service, an expenditure under the supervision of the War Department, for 1830 were,

For the expenses of the Indian Department,	\$87,975
For presents to the Indians . . .	15,000
Expenses of distributing Indian annuities and of holding conferences with them,	21,849
Of blacksmith shops,	23,766
To carry into effect subsisting treaties,	143,799
Expenses in holding Indian treaties,	14,022

When the bill appropriating these last items came under consideration, Mr Vance moved an amendment to the clause giving pay to Colonel M'Neill, so as to preclude him from receiving pay both as an officer of the army and as a commissioner to hold a treaty with the Indians.

Mr Miller asked if the officer alluded to had received his pay as an officer and was about to receive the pay as a commissioner.

Mr Vance said he did not know the fact, but he knew what had been the practice. The officer now at the head of this government received his full pay as an officer, and also as a commissioner for holding treaties.

Mr Cambreleng asked if there were not some incidental expenses.

Mr Vance said, that could not effect the item under consideration.

Mr Wickliffe said he should vote for the amendment.

Mr McDuffie suggested that General M'Neill should have his option, either to take his pay as an officer or his pay as a commissioner.

Mr Vance then modified his amendment so as to make its phraseology correspond with the wishes of Mr McDuffie.

The amendment was agreed to. The bill was then reported to the House, when

Mr Miller objected to the amendment as to the pay of General M'Neill.

Mr Buchanan also took exception to this amendment, on the ground that however just the principle that the Government had an undoubted right to the whole services of their officers, it was not correct to apply the principle in a case where the officer must have accepted the duty under the implied understanding that the old practice was to be continued. He suggested that the Committee on Retrenchment should report a bill to prevent these double allowances.

Mr Wickliffe stated that the Committee had reported such a bill.

Mr Burges spoke in favor of the amendment, and asked gentlemen from what law or practice officers received extra pay for civil services. If there was none such, then there could be no im-

plied understanding that in the present case such would be the result. He stated the practice to have been that an officer who was employed in the civil service, should not receive pay as an officer at the time that he was receiving pay for those civil services. There was a rule in existence under the old Congress which prevents such double pay; and no gentleman had produced any law showing a contrary practice. We are, however, promised a millennium of retrenchment; and so we had been promised from year to year. He hoped such would be the case, and that abuse after abuse should not be permitted until we became bankrupt by precedent. He would have given this officer his double pay if such was the contract made with him, but not under the idea that there existed any implied understanding in consequence of any existing law tolerating such construction.

Mr Polk made some observations in reply, in which he expressed himself content with the amendment.

Mr Vance disclaimed any idea of introducing party feelings, as was intimated by the last gentleman. He thought that although he did not belong to the Committee on Retrenchment, he had supposed he might offer something like a bit of retrenchment. He stated that he had always been an enemy to those double allowances; and had determined to take the first opportunity of resisting them. In this case the officer was perhaps less entitled to this double pay than any, be-

cause he commanded a post in the immediate neighborhood of these Indians, and as the commander of the post he had double rations and extra allowances. He did not wish to introduce party considerations. He had indeed referred to a distinguished individual who had received double pay; and if the gentleman wished to draw back money from those who had received double allowances it will operate as severely at head-quarters as anywhere. He asked for the yeas and nays on this question.

Mr Drayton defended the practice of employing officers as commissioners to hold Indian treaties, and moved to amend the amendment of the gentleman from Ohio, by striking out all after the word 'that,' and inserting words which made the provision general and prospective.

Mr Vance said he had been asked by a gentleman from Pennsylvania if this had been the practice of Government, and he had risen and said this was the practice, and had referred to the only case within his knowledge. He wished to be understood as having had good reason for his reference; and if he had misunderstood the exact terms of the interrogatories put to him he had merely made a mistake, and he was willing to have it attributed to him whether he had made his remark gratuitously or not.

Mr Grennell replied briefly to the remarks of the gentleman from South Carolina, as to the peculiar propriety of employing officers as negotiators, and to the idea thrown out that General

M'Neill had entered on the duties of commissioner under the implied understanding that he was entitled to double pay.

Mr Barnwell made some remarks in favor of the double allowance to General M'Neill. He contended that where, by an erroneous construction, officers had received more than the sums to which they were entitled, it was unjust to compel him who had rendered the service, to refund. The fault is in those who have put the false construction on the law, and who alone should be responsible.

Mr Davis, of Massachusetts, rose and observed that, he should not detain the House but a moment, as it appeared to be anxious to take the question. But he would join the gentleman from South Carolina (Mr Barnwell,) in calling attention back to the real ground of discussion. The bill provided for the reimbursement of money paid by the Executive, where no appropriation had been made, for the services of an officer of the army holding by brevet the rank of a Brigadier General, who had served as a commissioner in making a treaty with the Winnebagoes and others. This officer, at the time of his appointment, was in the military service, and drawing his pay; and the question is, whether he shall, in addition to his pay as an officer, receive also the pay of a commissioner.

The appointment, he said, was not a military command, which the officer was obliged to obey, but a civil commission which he had his option to accept or de-

cline, as he might think expedient. It was an appointment to another service of a totally different character, and to be rewarded in a different manner. He accepted that appointment and performed the service, and it had been said that the Government became thereby bound to allow him his pay as a military officer, and also the same amount in addition as the other commissioners had who served in but one capacity. This, sir, would be paying for service by construction—because nothing is more plain than that he would not render service to the Government in both offices.

When he accepted the appointment as commissioner and entered upon the duties, he ceased to perform all duties as a military officer and thereby ceased to have any right to pay unless we mean to adopt the doctrine that a person shall have pay for services which he does not and cannot perform. He could not, he said, bring his mind to the belief that the Government was under any legal or equitable obligation to make such an allowance, as the service as commissioner was the voluntary choice of the officer, and assumed by him with a full knowledge that his military service must cease, and therefore his pay ought to stop.

It has been said that precedents exist. On this point he observed he was uninformed: but if such precedents existed it was now acknowledged on all hands to be an abuse, and there seems to be no reason why the injurious practice should be further countenanced. This officer, by his

own election, placed himself on the same ground as other commissioners, and it would seem hardly just to them to pay him twice as much as they receive for their services. He therefore hoped the amendment of the gentleman from Ohio (Mr Vance) would so far prevail as to limit the principle to those bounds.

Mr Clay suggested to the gentleman from South Carolina to withdraw his amendment until the other amendment should be disposed of.

Mr Drayton withdrew his amendment.

Mr Buchanan then stated the case of General M'Neill and advocated the propriety of his appointment, and of the remuneration now made to him by the bill. The money had been received, as appeared on the face of the bill, and it would be unjust to compel him to refund it.

Mr Coulter admitted that the President might employ a general of the army to negotiate, and it often occurs that, in consequence of this military character, he is a negotiator. A Governor of a State is often employed, but a Governor is not an officer of the United States. A military officer in the pay of the United States has no claim to additional compensation for his civil service, and if he has received double pay, he cannot, in conscience, retain it. He referred to the case of Commodore Decatur, who negotiated a treaty with the Barbary Powers. There was an officer employed by General Washington to negotiate a treaty. He was allowed his expenses, but not double

pay. He understood that the expenses are allowed to General M'Neill.

Mr Sutherland spoke in favor of the allowance in the bill and against the amendment.

Mr J. W. Taylor said the only question is, if you will reimburse your contingent fund the money which has been taken out of it. If you do, the contingent fund is made whole; if not, your contingent fund is short. It is not a question if you will pay General M'Neill. He has received his money; and if you direct the law officer to institute a suit against General M'Neill, the general will produce the commission of the President—prove that he has done his duty, and no court will compel him to refund a cent. He thought, therefore, the amendment irrelevant and would vote against it.

Mr Sterigere now called for the previous question, which was seconded by a majority of the House.

The previous question was then put and carried [which supersedes all pending amendments,] and the main question was put, viz: on the engrossment of the bill, and carried—yeas 84, nays 52.

The sum of five hundred thousand dollars was also appropriated to carry into effect the bill providing for the removal of the Indians. An account of this bill has already been given in chapter third.

Certain sums, being unexpended balances, were also reappropriated

An appropriation was also made for the partial settlement of a claim of long standing, and which involved no slight political feeling. This was the claim for the services of the militia of Massachusetts during the late war with Great Britain. This claim had been objected to because the Government of the State had refused to place the militia under officers of the Federal Government; and though in some instances their services were such as to render the claim undeniable, yet no distinction had been made between the different classes of claims, and the unadjusted account had hitherto been the subject of dispute. Now, however, an appropriation was made of four hundred and thirty thousand seven hundred and forty-eight dollars, for the payment of all claims for services where the militia were called out to repel invasion, either actual or where good ground existed to apprehend it: 2d. Where the calling out was recognised by the Federal Government: 3d. Where they were called out and served under the requisition of the President of the United States, or of an officer of the United States.

Appropriations were also made for the internal improvement of the country; but from the peculiar importance which this subject assumed towards the close of the session, it is deemed proper to treat of this class of appropriations in a separate chapter.

CHAPTER VIII.

Progress of Internal Improvement. — Act of 1824. — Opposition to System. — Course of Discussion. — President's Opinion. — Orleans and Buffalo road bill. — Survey bill. — Discussion concerning same. — Conditional approval. — Maysville road bill; Rejected — Discussion on Message. — Washington turnpike bill; Rejected. — Louisville Canal and Light-house bills; Retained. — Harbor bill.

PREVIOUS to the accession of Mr Jefferson to the Presidency, the necessities of the country and the demands upon the public treasury growing out of the debts of the revolution, and the organization of the government, had prevented the application of any part of the public revenue to the purposes of internal improvement. No question was made as to the powers of the General Government to make such application, because more urgent demands upon its attention had prevented the agitation of such a question.

The finances of the country then began to wear a more promising aspect and a surplus in the treasury left the Government at liberty to attend to other demands, besides those of primary necessity.

The difficulty of access to the great western wilderness from the want of roads soon forced itself upon the attention of Congress,

and May 1st, 1802, a law was passed, making appropriations for opening roads in the Northwest territory. This was the first appropriation made by Congress for such a purpose, and during Mr Jefferson's administration, it was followed up, by acts making appropriations for roads from Nashville to Natches, from Georgia to New Orleans, and other roads within the limits of States, besides appropriations for the Cumberland road, and for roads within the State of Ohio, under the act of March 3d, 1803, appropriating 3 per cent of the proceeds of the public lands in that State, for the purposes of internal improvement. A survey of the coast was also authorized and \$50,000 appropriated for that object.

A report was also made to the Senate by Mr Gallatin, in answer to a resolution moved by Mr J. Q. Adams, in 1807, which

gave a general view of the subject and presented a digested and systematic plan for the improvement of the country.

Under that administration, the policy of internal improvement by the General Government, may be considered as having been commenced, and it was thenceforward prosecuted with more or less activity according to the state of the public finances.

During Mr Madison's administration, the appropriations for this purpose were increased, and by the act of May 11th, 1812, a survey was authorized of the main post road from Robinstown in Maine, to St Mary's in Georgia.

While Mr Monroe was at the head of the Government, these appropriations were still further augmented, and surveys were ordered of the interior rivers, and roads were opened by the authority of Congress—all indicating the growing prosperity of the nation and the increasing attention of the government to this subject. A check was indeed given to the policy by the veto, which Mr Monroe in 1822, put upon the bill authorizing the collection of tolls, for the preservation and repair of the Cumberland road. This veto was founded on an opinion, that Congress had not a complete right of jurisdiction and sovereignty over the soil for the purposes of internal improvement, which he considered as distinct from the power to make appropriations for that end, with the consent of the States, through which the road or canal should pass.

In this opinion the President differed from his cabinet, and although his veto was sustained by an additional message, settling forth at length his reasons for his opinion, it is to be presumed that he subsequently changed his views of the question, as the objects contemplated by the acts of April 30th, 1824, (to which he assented) are at variance with the strict construction of the powers of Congress contended for in his veto message.

This act, which appropriated \$30,000 for the necessary surveys, plans and estimates of such roads and canals as were deemed by the President of national importance; and also authorized the employment of the engineer corps in that service, was justly regarded as the deliberate adoption of a system of internal improvement.

It was indeed only an initiatory step; but the direction to lay the estimates before Congress, plainly indicated, that it was the intention of the Government to act efficiently, and that in the belief of Congress the time had arrived, when the resources of the country could not be more advantageously employed than in improving the channels of communication between different portions of the Union. The engineer corps was accordingly ordered upon that service, and Mr Adams, when he assumed the office of chief magistrate, intimated his determination to give effect so far as fell within the sphere of the Executive Department, to the recommendation of Congress; and also an entire conviction of the expediency of the policy and the

constitutionality of the power. This frank exposition of his views removed a difficulty, which had prevented many appropriations during the preceding administration, and Congress took into immediate consideration those plans of internal improvement, that were deemed of the most immediate importance.

During that administration, accordingly, more appropriations were made for that purpose, and a greater impulse was given by the Government to the internal improvement of the country, than in all the preceding administrations. It was indeed one of its distinguishing characteristics, and contributed in no small degree to awaken the hostility, which was waged against it, from its organization.

The Representatives from the Southern States, excepting South Carolina, had generally evinced great repugnance to the exercise of this power on the part of the General Government, as one not authorized by the Constitution. All power vested in that Government, they argued, must be either specifically granted by the Constitution, or incidental to some power specifically granted. No power to make internal improvement was to be found among the specified powers, nor was it incidental to any of those powers.

Those who maintained that the power existed in the General Government contended, that it was derived 1st, from the power to establish post roads; 2d, from the power to regulate commerce between the States; 3d, from the power to make and carry on war,

and as one of the necessary means to construct roads and canals for the transportation of troops and munitions; 4th, from the power to lay taxes to pay the debts and provide for the common defence and general welfare of the United States; 5th, from the power to pass all laws necessary to carry into effect its constitutional powers, and 6th, from the power to make all needful rules respecting the public territory.

As in most constitutional discussions, both parties were fixed in their own conclusions, and although those who denied the power were invariably overruled in Congress, they were no less clamorous in protesting against its exercise as one of the striking proofs of the tendency of the Federal Government to corruption and consolidation.

The question of the expediency of exercising such a power by Congress was also strongly questioned, and it was predicted that it would be productive of dissensions and improper combinations in the legislature; great extravagance in the expenditure of public moneys; accumulation of power in the Federal Government, which would render the State Governments mere dependencies upon its generosity or caprice, and that it would place at its command a host of contractors, engineers, toll gatherers and superintendents, who would exercise a control in the local elections incompatible with the independence of the State Governments.

On the other hand, the necessity of these improvements; the inability of the State Governments

or of private associations to execute them; and their tendency to strengthen the bonds of union were eloquently portrayed; and it was aptly replied that any argument drawn from the danger to the independence of the State Governments, or of dissensions or improper combinations in Congress, or of extravagant expenditures on account of appropriations of this character, was just as applicable to the system of fortifications or to any appropriations for local objects undeniably within the jurisdiction of the General Government.

That the subject matter of legislation, if within the constitutional power of Congress, must be left to its discretion, and however much that discretion might be abused, its abuse did not effect the constitutional question which necessarily depended upon reasons of a different kind. The remedy for an abuse of power was vested in the people, and a sufficient check would be found in the periodical elections to prevent all tendency to extravagance or corruption in the exercise of a power so indispensable to the prosperity of the country.

While this discussion as to the expediency and constitutionality of the power was renewed with unusual animation, during Mr Adams' administration, the opponents of internal improvement seemed to have forgotten, that the opposing candidate to the incumbent had evinced, while in the Senate of the United States quite as latitudinarian opinions on this disputed point. His votes on certain bills making appropri-

tions for roads and canals were not only in favor of the system of surveys as established by the act of 1824, but also in favor of subscriptions to the stock of private canal companies and of appropriations for roads within the limits of particular States. This heterodoxy was overlooked, or indulging in the hope, that the constitutional principles of that candidate were not yet definitely settled, or that as the representative of a reforming party, he might be induced to make them more conformable to their own political creed, the Southern States and those of the same party in the north yielded him their most ardent support, undaunted by the fact, that he was represented in the Western and Middle States as the friend of internal improvement and that these votes were appealed to as conclusive evidence of his sentiments. His inaugural message gave no indication of any change of opinion, but simply advanced the oracular proposition that 'internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government are of high importance.' In the message at the opening of Congress, he first manifested an unwillingness to the exercise of this power by Congress; but his recommendation of an apportionment of the surplus revenue among the States, as a substitute for internal improvement by the Federal Government was scarcely regarded as a measure seriously contemplated.

As the session advanced, however, the divisions on the passage

of certain bills authorizing internal improvements began to indicate, that no support of these bills could be expected from the more 'confidential friends of the Executive and that the cause of internal improvement would be left chiefly to the care of the opposition. Many however who were classed among the supporters of the administration were staunch advocates of internal improvement and so vitally important did they deem the assertion of the powers of Congress on this question, that in one instance, after the rejection of a bill of this character by too strong a vote to hope for its final passage, they voted in favor of its reconsideration to prevent any inference being drawn as to the motive which influenced their votes. This occurred in the House of Representatives in reference to a bill brought forward early in the session to construct a national road from Buffalo to New Orleans.

After much discussion concerning this bill, on the 14th of April, the previous question was called for, and the House decided by a vote of 88 yeas, 150 nays, that it should not be read a third time.

Mr P. P. Barbour then rose and congratulating the House on this decision, observed that it had achieved glory enough for one day and moved an adjournment. This observation offended many who voted against the bill, as it seemed to place its rejection upon the ground of its being considered unconstitutional, whereas their votes were given simply in reference to the expediency of making this particular road.

The motion to adjourn thus asked was accordingly negatived, 78 yeas, 111 nays, and the next day upon motion of Mr Spencer of New York, the House determined to reconsider the bill, 99 yeas, 91 nays. As it was not intended to press the passage of the bill, a motion was then made, that it lie on the table, and carried, 94 yeas, 88 nays.

The discussion was again renewed upon the consideration of the bill, making appropriation for examinations and surveys. This bill was taken up in the House on the 25th of March, when on motion of Mr McDuffie, the House resolved itself into Committee of the whole on the state of the Union, and took up the bill making appropriations for examinations and surveys, &c, viz :

For defraying the expenses incidental to making examinations and surveys for national works under the act of 30th April, 1824, and also for arrearages on account of surveys in 1826, 1827, and 1828, 30,000 dollars ;

For completing the Cumberland Road from Zanesville to Columbus, 91,000 dollars ;

For continuing the road from Detroit to Fort Gratiot, 7,000 dollars ;

For continuing the road from Detroit to Saganaw Bay, 7,000 dollars ;

For continuing the road from Detroit to Chicago, 8,000 dollars ;

For completing the road from Pensacola to St Augustine, 10,000 dollars ;

For completing the survey and estimate of a canal to connect the

waters of the Atlantic with the Gulf of Mexico, 10,400 dollars.

In reply to a question from Mr Wickliffe.

Mr McDuffie said that the Committee of Ways and Means had determined to make the appropriation this year, but there was a disposition in the Committee to discountenance any excess of expenditure on these objects.

Mr Hall, remarking on the term 'National objects,' asked if there was not a national object to which the revenue could be properly and beneficially applied; he meant the payment of the national debt. That was the only national object in his view. Mr Hemphill stated that the present appropriation was partly required to complete surveys already commenced. He thought the appropriation of \$30,000 insufficient: and moved to add \$5000.

Mr Ingersoll expressed his regret that the gentleman from Pennsylvania had moved to increase the sum. He stated that it had been the practice, till this year, to pay the arrearages, as well as the current expenses out of this 30,000 dollars; but he understood that this year the Department had ordered only the current expenses out of the 30,000 dollars.

Mr Hemphill withdrew his proposition to amend.

Mr Wickliffe moved so to amend the bill as to confine the appropriation to surveys of national works which have been commenced and are not completed.

Mr Clay opposed the amendment, the object of these surveys being to give that information on which Congress may found legislation.

Mr Mercer also expressed his hope that no sudden impulse caused by the remarks of the gentleman from Kentucky, would induce the House to adopt the amendment. He adverted to charges which had been formerly made of improper expenditures in these surveys, charges which he said had never been, in any single instance supported by anything like a plausible argument. He instanced the Chesapeake and Ohio Canal, to show that the Government was not subject to call after call for the same object. For that canal, which the Engineers estimated at eight millions, Congress had subscribed one million. No second application had been made and he would say further, that no second call would be made on Congress to aid the eastern section of the work, estimated at eight millions. He stated that these surveys are made for the purpose of obtaining knowledge; and without that knowledge we must legislate in the dark, and the public money would be wasted, in larger sums, in useless discussions as to the routes of roads and canals.

Mr Lea suggested to Mr Wickliffe, to enlarge his proposition, so as to include all objects which may be recommended by either House of Congress.

Mr Ellsworth thought the limitation unjust and unreasonable. If there are objects which are national, yet to be commenced, it would be unjust to postpone them because they had not been begun.

Mr Wickliffe accepted the amendment of Mr Lea as a modification of his amendment.

The question was then put on the amendment as modified, and

decided in the negative — yeas 50, nays 66.

The bill having been reported to the House was again taken up on the 31st of March, when Mr Wickliffe moved to amend the bill in the clause appropriating money for surveys, by adding a proviso, that the sum appropriated should be expended on works heretofore directed, or which may be directed by either House of Congress.

Mr Ellsworth expressed a hope that the amendment would not be adopted. He reminded the House that it had been customary to pass an appropriation of this kind annually; and he desired that it be applied on the usual principle, that the same discretion, which had been hitherto given to the proper department in the disbursement of this money, should still be given to them. He argued against the proposed change as inexpedient, unjust and unreasonable.

It seemed to contemplate that whenever a proposition for any appropriation for any particular work is made, the subject is to undergo a discussion in this House; and members are to be called on to decide, with the superficial knowledge they must be supposed to possess, on the preference of making a survey for a route *here*, over that for a route *there*. He hoped, therefore, that the amendment would not prevail.

Mr McDuffie repeated the objections he had urged against this limitation at the last session, when a similar proposition was negatived by a vote of four to one. If this limitation should be adopted, every member will have his own peculiar project carried through

or no propositions will pass. Complaint had been made that the works begun were not national, yet it was proposed to compel the Government to complete them instead of taking up others which might be national. It was therefore an unreasonable proposition, and he hoped it would not be adopted.

Mr Wickliffe defended his amendment on the ground generally of the abuse which the present mode led to, the unimportant nature of the works which it enabled members to procure to be undertaken, &c.

Mr Martin stated that, although opposed to the system, he was still more opposed to the amendment, in its present form. If the system was to be continued, he was for leaving its exercise where it was now, to the Executive, and to keep this House as clear as possible of the contention, and the agitation which it was calculated to produce here. He then moved to amend the amendment by striking out, 'or such as may hereafter be directed by either House of Congress.'

Mr Trezvant made some remarks against the commitment of a discretion to the Departments as to the direction of any surveys. He wished to confine the appropriation to such surveys as have been commenced, and that the House should afterwards decide on the propriety of new ones. He argued at some length in explanation of his views, and hoped the amendment of the gentleman from South Carolina would not be adopted.

Mr Hall opposed the whole system, the amendment as well as

the bill itself. If he took the amendment of Mr Martin, the remainder of Mr Wickliffe's amendment would contain enough to involve all his principles. He could vote for none of the questions proposed.

Mr Mercer suggested that many surveys had been ordered by Congress which have not yet been commenced. And the effect of the amendment would be to relieve the Executive of all responsibility whatever.

The amendment moved by Mr Martin to the amendment, was then negatived.

Mr P. P. Barbour suggested a modification of the amendment so as to strike out the words 'either House of,' so as to read — shall be directed by Congress.

Mr Wickliffe declined to accept the modification.

Mr P. P. Barbour then moved his proposition as an amendment.

Mr Drayton stated that his opinion had always been that the act of 1824, authorizing this expenditure for surveys, was unconstitutional. He consequently was opposed to all appropriations for these objects; but he was in favor of the amendment for reasons he stated — the chief of which was that it would tend to prevent abuses in the execution of the act, and contending that works beginning and ending in the same State, could not be deemed national, but many such under the present system had been undertaken.

Mr P. P. Barbour enforced the propriety of the amendment he had offered. The vote of this House is the vote of the representatives of the people, while

that of the Senate is the vote of the representatives of the States; and he wished to unite both. He declared himself utterly opposed to the whole system, and every scheme, survey, and appropriation under it.

Mr Mercer advocated the power of the Government to make these surveys, and the practice which had prevailed under that power, denying peremptorily that it had led to any abuses, although the allegation was so often repeated, and arguing that a work commencing and ending in a State might be, and often was strictly national; many cases of which he cited; among others, he maintained that if a line of canals from Maine to Georgia was a national work, any part of that line, however small, is national. The whole work cannot be completed at once; it must be constructed in detail and in parts. The Buffalo and New Orleans road, he considered as national, whether it was cut up in decimal parts, or viewed as a whole. He said he had carefully investigated the practice of the Department, and he believed it to be free from abuse. Even in a case which he had four years ago considered the most doubtful, he had subsequently satisfied himself that there was no ground for doubt. To objections on the score of local interests being too influential, he replied that in time of war it was as important a power which regulated the direction of an army, as that which gives the direction of a road. The western part of the State of New York had entirely sprung up under the fostering influence of

the late war, as millions had been expended there, in consequence of the march of troops there. Yet no one contended that in that case the Government should be controlled lest the local interests of one section should be preferred to those of another.

Mr Ambrose Spencer stated that the question as to the power of the Government to make these surveys, was settled by the act of 1824, and that it was useless now to make it a subject of discussion. He was opposed to imposing upon the present administration a limitation which had not been imposed on their predecessors. He declared himself adverse to the amendment to the amendment, as well as to the amendment. He expressed his concurrence in the views which had fallen from the last speaker, and controverted the idea that works confined entirely to particular States were necessarily not national, cases of which he cited.

Mr Irwin of Penn. expressed his hope that both the amendment of the gentleman from Kentucky and that of the gentleman from Va. would be rejected.

Mr Mallary contended that it was due to the President, who is at the head of the military force, to give to him an entire command over those works which are connected with the military defence of the country. He could, in the exercise of that power, lead to more full and more satisfactory results, than we can ever be brought to by listening to the contending claims of conflicting interests in the House. There was no reason for imposing this limitation on the present Executive.

Mr Barringer said the adoption of the amendment could only lead to a multiplication of surveys, and he argued briefly to show the inexpediency of the amendments.

The amendment to the amendment was negatived — yeas 72, nays 96.

The question was then taken on the amendment of Mr Wickliffe, and decided in the negative — 75 yeas, 111 nays.

The bill was then ordered to a third reading — 121 yeas, 64 nays, and having been passed was sent to the Senate for concurrence.

In the Senate, it was amended by two additional sections, appropriating \$100,000 for opening the Cumberland road west of Zanesville; \$60,000 for continuing it through the State of Indiana; \$40,000 for continuing it through Illinois; and \$32,400 for opening it from St Louis to Jefferson City in Missouri, and also providing for the appointment of superintendence of that road in those States, upon the same terms as those superintending the road in Ohio. These amendments were sanctioned by the Senate; yeas 26, nays 16.

An appropriation of \$15,000 was also made for arrearages on account of the Cumberland road.

An amendment was also offered by Mr Dickerson, to strike out the appropriation for the survey of a canal between the Gulf of Mexico and the Atlantic. This was rejected, 15 yeas, 31 nays, and the bill was passed the next day (April 17th) 26 yeas, 17 nays.

In the House the amendments were concurred in except those

providing for the continuation of the Cumberland road from St Louis to Jefferson City. Those parts were stricken out in the House, on the 29th of May, and the Senate having concurred, the bill was sent to the President for his sanction.

He had now taken his stand on the question of internal improvement — (the message rejecting the bill for constructing the Maysville road, having been transmitted on the 27th of May,) — and having there set up certain distinctions between national and local improvements, to justify his rejection of that bill, he undertook to approve of this bill with a qualification. This qualification consisted in a reference to a message sent to the House, together with the bill, wherein he declared that as the section appropriated \$8000 for the road from Detroit to Chicago might be construed to authorize the application of the appropriation to continue the road beyond the territory of Michigan, he desired 'to be understood as having approved the bill with the understanding, that the road is not to be extended beyond the limits of the said territory.'

This message exemplified in a striking manner the crude and unsettled notions of the President and of his constitutional advisers respecting the nature of the Government and of the duties of the Executive. The President by the Constitution is vested with the right of returning bills, that he does not choose to sanction, with his objections to the House where they originated. Here the bill is reconsidered and unless it is

sanctioned by a vote of two thirds of both Houses, it does not become a law. This right of the President, however, is a mere naked right of approval or disapproval. He cannot annex any conditions or qualifications to his approval.' Still less can he undertake to give any particular construction to a law at the time of his approval. The President however seemed to think otherwise, and notwithstanding the section directed the application of this appropriation to a road extending from Detroit in Michigan, to Chicago in Illinois, he undertook to limit its application to such part of the road as was within Michigan, and to imagine that that declaration of his, that he would so apply it, rendered the appropriation constitutionally within the power of Congress.

No declaration of his could make such an appropriation constitutional, unless Congress was originally authorized to make the appropriation as made in the bill. If not so authorized, the President should have returned the bill with his objections, and a declaration, that he would apply an unconstitutional appropriation upon a constitutional object, was superadding to a legislative violation of the Constitution, a breach of his own duty as the chief executive magistrate of the Union. This difficulty was occasioned by the views expressed in his Message rejecting the Maysville and Lexington road bill, which will be found in the second part of this volume, page 22.

This bill, which originated in the House, where it was reported

February 24th, authorized a subscription to the stock of the Maysville and Lexington road Company. It was passed in Committee of the whole House, on the 26th of April, and on the 28th of April, it was ordered to a third reading, 96 yeas, 87 nays. The next day Mr Martin of South Carolina moved that it be laid on the table, which was negatived, 85 yeas, 102 nays. The previous question being then called for by Mr Crockett, the bill passed, 102 yeas, 85 nays, and was sent to the Senate for concurrence.

In that body Mr Forsyth moved when it came up for consideration (May 14th) to strike out the 1st section of the bill, but the motion was rejected, yeas 18, nays 25. The next day the bill was passed, yeas 24, nays 18, and on the 19th of May, it was signed and sent to the President. The President retained the bill until the 27th, when he returned it to the House with his objections, as set forth at length in his message before referred to.

According to this message he seems to be of opinion, that under the Constitution, Congress can in no case construct or promote any works of internal improvement within the limits of a State provided the jurisdiction of the territory occupied by them be necessary for their preservation and use.

As to the appropriation of money in aid of such works, when undertaken by State authority surrendering the claim of jurisdiction, the message advances the opinion, that by the practical construction of the Federal Con-

stitution, Congress has *acquired* the power to appropriate money in aid of works of internal improvement provided such works be 'of a general not local — national not State character.' The work in question he considered of the latter class, and he therefore returned the bill authorizing the subscription to its stock to the House where it originated. Besides this view of the subject, the President went into an examination of the expediency of entering upon a system of internal improvement and by reasons referring to the liquidation of the public debt and the extravagant character of certain proposed improvements indicated a feeling of hostility to the exercise of the power by Congress.

The reading of this message produced great excitements in Congress. Many of the friends of the President from Pennsylvania and from the west, had relied upon his adhering to his former opinions on this question, and this message first forced upon their minds a conviction as unwelcome as it was unexpected.

The consideration of the subject was postponed until the next day (May 28th,) when the House proceeded to the reconsideration of the bill.

The question was upon the passage of the bill, notwithstanding the objections of the President. The Constitution, in such cases requires a vote of two thirds of both Houses of Congress to confirm the bill.

Mr Daniel said, he had supported the measure condemned by the message, but, as a co-or-

dinate branch of the Government has called on this body to stop their career, he, for one, was disposed to give the people of the nation an opportunity to consider, coolly and dispassionately, the objections urged by the President against the mode of appropriating money to objects not national. It is the first time in the history of the world that the Executive of a nation has interposed his authority to stop extravagant and ruinous appropriations. He was elected on the principle of economy and reform; and if the representatives of the people refuse to him a proper support, it is impossible that the object for which he was elected can be obtained. In the discharge of his duty as the servant of a free and independent people, and in obedience to what he believes to be their will, he has laid this subject before them. They will have to pass upon the correctness of his views, and I feel disposed, out of respect to them and the President, to give them an opportunity.

Mr Daniel said he was in favor of internal improvement: but the system, as it has heretofore been carried on and pursued, was better calculated to destroy than to promote it. The House had been admonished, on a former occasion, by the gentleman from New York (Mr Storrs), that the friends of the system were breaking it down by their extravagance and folly. It was clear, from the message, that if the system was pursued as it had been attempted at the present session, this nation would soon be involv-

ed in a large and immense national debt. The members of Congress would understand each other—if not corruptly, the effect would be the same; they would vote for each other's projects without regard to the public good. A host of federal officers would be created to superintend the collection of tolls, and the repairing and amending those improvements. The tax on the people would be increased, until their leaders would be as great as they are in any despotic government on earth. Besides, it would end in corruption beyond control. The members of this House cannot now read all the documents printed and laid on the tables. This system will produce a swarm of officers and accounts without end. The representatives of the people can never examine them—the officers become irresponsible and corrupt, and it will produce consolidation of the Government. If the system is to be persevered in, let us adopt one that will not be productive of this evil.

Mr Stanberry said that, in the view he took of the matter, he considered the communication which had been just received, as the voice of the President's ministry, rather than that of the President himself; or, to speak more correctly, the voice of his chief minister. The hand of the 'great magician' was visible in every line of the message. There was nothing candid, nothing open, nothing honest, in it. As one reason why the Executive rejects the bill, he assigns the extravagance of this Congress as

having been so great that there will not be money enough in the Treasury to meet the small appropriation contained in the rejected bill. And as an evidence of the correctness of such apprehension, the appendix contains a list of all the bills which have been reported in the Senate and in the House, but not passed. These are relied upon in the argument as if they had passed and become laws. When it is well known to all of us, that most of these bills are only evidence of the opinions of the Committees by whom they were reported; and there is not even a probability that they will ever become laws. Among the bills of this description, contained in the appendix, is the bill reported in the Senate providing for the amount of French spoliations, which, of itself, makes an item of five millions of dollars. There is also included in the appendix the bill for the relief of Susan Decatur, and that for the Beaumarchais claim and the claim of Richard W. Mead. There is added also, the bill for the Colonization Society, proposing to pay twenty-five dollars for each negro in the United States. And to swell the amount, the claim of President Monroe is also added. All these amounts put together, give to the proceedings of this Congress an appearance of extravagance which does not belong to them. On the whole, I consider this document artfully contrived to bring the whole system of internal improvement into disrepute, and as calculated to deceive the people. Such a document can never have issued from the Presi-

dent. It is not characterized by that frankness which marks his character. It has every appearance of a low electioneering document, not worthy of the eminent source to which it is attributed.

But, sir, if extravagance has marked the proceedings of this Congress, it is not chargeable on the majority of this House. The appropriations which have been made have been asked for by the Executive officers themselves. And they have asked for more than we have granted. And the most extravagant project of this session, and one which will, I fear, forever disgrace this Congress, I mean the bill for the removal of all the Southern Indians west of the Mississippi, came recommended to us as the peculiar favorite of the Executive.

I can say, with truth, that many members of this House were induced, contrary to their consciences, to vote for the bill in consequence of their not having independence to resist what they supposed to be the wishes of the Executive. They were literally dragooned into its support. I certainly, sir, had many other reasons for my opposition to the bill; but not the least of my reasons was a belief that its passage would strike a death blow to the whole system of internal improvement. It received the support of all the enemies of internal improvement, as their only means of destroying the system; and it is accordingly relied upon in this message, and I will admit that it is the only good reason assigned in it against any further appropriations for the improvement of

the country. And yet we, who are the friends of this administration, but still greater friends to the honor and prosperity of the country, have been threatened with denunciations by certain members of this House; but who have no other claim for the station which they have assumed as our leaders than the single circumstance of their coming from Tennessee, for our opposition to the Indian bill — for our contumacy in opposing what they were pleased to represent to us as the wishes of the Executive. Sir, let them commence their denunciation — I fear no bravo, unless he carries the assassin's knife. Against every other species of attack I am prepared to defend myself.

Mr Polk said that, while it had been understood, in conversation through the House that the friends of this measure were disposed, without further debate, to take the vote on reconsideration, on the veto of the President, according to the provisions of the Constitution, he thought he could speak confidently, when he said that those opposed to it had determined to pursue a similar course.

The debate had, however, been brought on. The violent, vindictive and unprecedented character of the remarks which had just fallen from the member from Ohio (Mr Stanberry,) had opened the whole discussion.

Mr Polk said, he took the liberty to say to the member from Ohio that this violent torrent of abuse, poured upon the head of the Chief Magistrate, was gra-

tuitous, and wholly unjustifiable, not sustained in a single particular by the truth, and wholly unfounded in fact.

No man in the nation, of any party, who knows the character of the President, believed what the gentleman had charged upon him. He was glad that the member had at length thrown off the cloak, under which he had covertly acted during the present session. He had been elected to his seat here by the friends of the President. He came here professing to give to his administration a fair and an honest support — professing to be enumerated among his political friends. Had he sustained one single measure which the President recommended? Not one — and it was matter of no regret that the member had at length thrown off the mask. He cannot claim this occasion or this bill as a pretext for his desertion from his former professed political attachments. What was there in this occasion to call forth such a tirade of abuse? The President has returned to this House, as it was his constitutional right, and, entertaining the opinion he did, his duty to do, a bill which has passed Congress and been presented to him for his constitutional sanction. He had, in a very temperate, and he added, in a very able manner, assigned the reasons why he had felt himself constrained, from a high sense of public duty, to withhold his signature and sanction from it. *We* were called upon by an imperative provision of the Constitution to reconsider the vote by which a ma-

majority of this House had agreed to pass the bill? The bill and the message of the President were the fair subjects of deliberation and discussion for this House.

The message of the President, he undertook to stake, was emphatically his own; and the views presented for the rejection of this bill were the result of the honest conviction of his own deliberate reflection. Was it an electioneering measure? No man who knows his character will believe it. Such considerations are only suited to the bent of such grovelling minds as are themselves capable of making the charge. No, sir, on the contrary—on the brink of a great crisis—at a period of unusual political excitement, to save his country from what he conscientiously believed to be a dangerous infraction of the Constitution—to avert the evils which threatened, in its consequences, the long continuance of the Confederacy, upon its original principles—he had, with a patriotism never surpassed, boldly and firmly staked himself, his present and his future popularity and fame, against what seemed to be the current of public opinion. Had he signed this bill, the road on which he would have travelled would have been a broad pavement, and his continued elevation certain, beyond a possibility of doubt. As it was, he had planted himself upon the ramparts of the Constitution, and had taken the high responsibility upon himself to check the downward march, in which the system of

which this bill is part, was fast hastening us. It required just such a man, in such times, to restore the Constitution to its original reading. He had never failed to assume responsibility when he should assume it; and in no instance, in his public life, had he displayed in a more eminent degree, that moral courage and firmness of character, which was peculiarly characteristic of him, than in this. By this single act, he verily believed, he had done more than any man in this country, for the last thirty years, to preserve the Constitution and to perpetuate the liberties we enjoy. The Constitution was, he hoped, to be again considered and practised upon, as it, in fact, was one of limited powers, and the States permitted to enjoy all the powers which they originally intended to reserve to themselves in that compact of union. The pernicious consequences, the evil tendencies, to say nothing of the corrupting influence of the exercise of a power over internal improvements by the Federal Government, were not fully developed until within a very few years last past. Mr Madison, on the last day of his term of office, put his veto on the bonus bill. In the following year Mr Monroe rejected a bill assuming jurisdiction and fixing tolls on the Cumberland road. The subject of the power was discussed at great length, and with great ability in the next Congress. The House of Representatives, by a small majority, at that time, affirmed the power to *appropriate* money for objects of national improvements, but denied, and by

the vote of the House negatived, the power to *construct* roads or canals of any character, whether *military, commercial* or for the transportation of the *mail*. It was not until the last administration, that the broad power to the extent now claimed, limited only by the arbitrary discretion of Congress, was asserted and attempted to be maintained by the Executive and by Congress. It was not until that period that its dangers were fully perceived. The President had manifested, in the message before us, that he had been an attentive observer of its progress, and its probable, if not its inevitable consequences. He could not shut his eyes to the constant collisions, the heart burnings, the combinations and the certain corruption to which its continual exercise would tend, both in and out of Congress. In the conscientious discharge of Constitutional duty, which he was not at liberty to decline, he had withheld his signature from this bill, and had frankly submitted to us his views upon this important question; and he trusted we would deliberate upon it temperately, as we should, and in the vote which we were about to give up, the reconsideration of this bill, according to the powers of the Constitution, express the opinions which we entertain, and not make a false issue, growing out of a personal assault upon the character or motives of the Chief Magistrate.

By denying the power to construct roads and canals, by refusing to assume the exercise of any doubtful power, and by deeming

it safest to refer the question to our common constituents for an amendment to the Constitution, the President had deprived himself of a powerful branch of Executive patronage and influence, and has thereby given the most conclusive evidence of his integrity of purpose, and the strongest refutation of the affected and stale cant of his enemies, that, because he was once a leader of the armies of his country, he would be disposed in the civil government to assume more powers than legitimately belonged to him. The power of interposing the Executive veto upon the legislation of Congress had been often exercised since the commencement of the Government under the present Constitution. It had generally been exercised upon Constitutional ground. But instances were to be found where the power had been exercised wholly upon the grounds of the inexpediency of the measure. A single instance he would cite. On the 28th February, 1797, General Washington returned, with his objections, to the House in which it originated, a bill which had passed Congress, and which had been presented to him for his signature, entitled 'An act to ascertain and fix the military establishment of the United States.' He withheld his signature from this bill, not because of the unconstitutionality of its provisions, but because, in his opinion, it was *inexpedient* to pass it. Mr Madison, during his administration, had put its veto upon several bills besides the bonus bill. The exercise of this constitution-

al power by the Executive, had never been received with alarm; but, on the contrary, had been regarded, as it was intended to be, as a necessary and wholesome check upon the acts of the legislature.

Mr P. P. Barbour rose and said, he felt impelled, by an imperious sense of justice, to say something in vindication and justification of the Chief Magistrate of the Union, against the strong animadversion in which gentlemen had indulged towards him, because he had dared to do his duty.

Was it in the contemplation of those who framed the Constitution, that the President should be set up as a mere pageant, with powers possessed in theory, but never to be reduced to practice? or was it intended that this veto upon legislation, like every other power, should be exercised whenever the occasion should occur to make it necessary? Do not gentlemen perceive that they might, with as much reason, complain that the Senate had negatived one of our bills? for they, too, are only a coordinate branch of the legislature, as is the Executive Magistrate.

Sir, each department, and every branch of each department of Government has its appropriate functions assigned. The country expects and requires every one to do its duty, whether it consists of one man or a plurality of men. And whosoever shall fail to do so, though he may hope to consult his safety by an avoidance of responsibility, will find that he has forfeited the esteem and confidence which are inva-

riably awarded by public opinion to firmness and fidelity in the performance of public trusts.

The Constitution proceeds upon the idea that Congress, composed of the Senate and House of Representatives, is not infallible. It has, therefore, erected the additional barrier of the Executive veto against hasty or injudicious action.

It contemplates that veto as countervailing the opinion of one third of both Houses, because its interposition makes the concurrence of two thirds of both Houses necessary. To complain, then, of its exercise is to quarrel with the form of Government under which we live. It is the precise reverse of a complaint which we have often heard of in a European monarchy. There, the King complained whenever the Parliament refused to register his edicts. Here, the Congress are to complain whenever the Chief Magistrate declines to register their will.

I rejoice, sir, that he has so declined. I congratulate my country that, in this instance, the Chief Magistrate has displayed as much of moral, as he heretofore did of physical courage.

The main purpose of the gentleman from Ohio seems to be to inculcate the opinion that the rejection of the bill in question was with a view to acquire popularity. Look at the circumstances of the case, and tell me whether this opinion can be sustained.

This bill was not only carried by a majority, as it must have been, but by a decisive majority

of both Houses of Congress. Can any man suppose that a President who set out upon an adventure in quest of popularity, would make his first experiment against a question which, by passing both Houses of Congress, seemed to carry with it the approbation of the States, and the people of the States? On the contrary, if he were going for himself rather than for his country, would he not, by approving the bill, have just floated down the current of apparent public opinion, without encountering the least impediment in his course? Instead of this, sir, what has he done? Regarding his country more than himself, looking with an eye that never winked to the public good, and not to his personal aggrandizement, he has witholden his approval from this bill, which was a favorite bantling with a majority of both Houses of Congress; he has thus placed himself in a position where he has to win his way to public approbation, in this respect, under as adverse circumstances as the mariner who has to row up stream against wind and tide.

Sir, the man who is in quest of popularity and power would have taken a different course. By approving this bill and thus continuing the system of internal improvement, the President would have commanded an immense amount of patronage, as well in the disbursement of countless millions of money, as in appointments to office. And yet, though these means of power and influence would be at his own command, though he presents the

rare example of an Executive Magistrate rejecting the use of that which would contribute so much to personal aggrandizement, he is still charged with courting popularity.

Sir, I hail this act of the President as ominous of the most auspicious results. Among the many excellent doctrines which have grown out of our republican system, is this; that the blessings of freedom cannot be enjoyed without a frequent recurrence to fundamental principles. In this instance we are making that recurrence. It would seem, sir, that the period of about thirty years constitutes a political cycle. Thirty years ago, at the opening of the present century, our Government was drawn back to its original principles; the vessel of state, like one at sea, had gotten upon a wrong tack, and the new pilot who was then placed at the helm, brought it again into the right course for the purpose of reaching its proper destination. In the progress of a long voyage it has again declined from its proper course. And I congratulate the whole crew that we have found another pilot with enough of skill in navigation and firmness, again to correct the declination. The present Chief Magistrate, sir, 'had done the State some service' heretofore; but in my estimation it was but as dust in the balance, compared with the good which he has now done.

I not only concur with the President as far as he goes in his views, but I go farther. He denies the power of Congress to

construct roads, with a claim of jurisdiction. So do I. He admits that, as the Constitution has been long construed, the power to appropriate money for such purposes as are really national, must be acquiesced in, until the difficulty is removed by an amendment. In this I differ from the President, as he has a right to differ from me and from both Houses of Congress. But as I claim the right to follow the lights of my own judgment, so I am always ready to acknowledge that of the President to do the same.

But I will not now go into the Constitutional question. Apart from this, let me ask whether there are not abundant reasons for the course which the President has pursued? He tells you the subject has been involved in doubt, and has produced much diversity of opinion. This is a part of the political history of the country. Is it not the part of wisdom, as well patriotism, to submit this question to the States, in the form of amendment, rather than press on against the known will of a large portion of them? The States feel a deep sense of loyalty to the Union; but they feel, too, that they have rights to demand as well as duties to perform. Let us not place them in a situation where they may be driven to a course that would be called patriotism by some and rebellion by others, but which, by whatsoever name it might be called, would endanger the success of our great experiment, the benefits of which concern the whole human family. The course

suggested by the Chief Magistrate is calculated to avert these dangers. When members on this floor maintain any principles, they have no weight but that which belongs to them as individuals; but when a suggestion comes from the Executive, and especially accompanying his rejection of a bill, it brings with it all the authority to which the opinion of a branch of the Government is entitled. An issue is thus made up between him and Congress, which will cause the people to deliberate; and thus we may hope that it will be calmly decided by them, so as to put the subject forever to rest.

Sir, there are other reasons why this course, pursued by the Executive, should meet our decided approbation. I allude to the inequality and demoralizing tendency of this system.

A distribution made upon principles of actual inequality will produce deep disgust on the one side, and fostering corruption on the other.

I mean no offence to any State or individual; the remark applies without distinction, to all States and individuals, under all circumstances. Sir, the history of all people, nations, tongues and languages teaches us the same melancholy truth, that all Governments, of whatever form, have finally perished by corruption.

Mr Vance said that, the course pursued by the President would not operate on his mind, either for or against that individual. He reminded the House that he had himself been always an advocate of the system of internal improve-

ment. He stated that, by that system the west must stand or fall. Unless it be sustained, the west can never have any participation in the appropriations of the General Government. As soon as the wealth derived from emigration shall be exhausted, the west must be drained of every dollar unless this system be continued. It is only by its continuance that the prosperity of those who now live in the west can be prevented from becoming hewers of wood and drawers of water to the Eastern States. He stated that the south had, during the last year, received more of the disbursements of the General Government than had been expended in the whole of the western country on internal improvement. He then defended his colleague from the attack made upon him by the gentleman from Tennessee. His colleague (Mr Stanberry) was able to sustain himself. That gentleman should have more gratitude for his colleague and for the balance of the Ohio and Kentucky and Pennsylvania delegation, who would now vote against him on the question. For himself, he felt no disappointment, for he had foretold from the stump the course which the present administration would take. His colleagues had also, from the stump declared that they well understood the thing, and that General Jackson was the firm, steady and consistent friend of internal improvement. It was clear that he had so far succeeded in concealing his real feelings on the subject as to deceive those gentlemen. They had, however,

gone hand in hand with the gentleman from Tennessee, and had gained the victory. They had attained the triumph and now they were receiving their reward. When this message came into the House it struck a damp to the feelings of those individuals, who then felt the final destruction of all their fond hopes.

Mr Bell said, when the member from Ohio (Mr Stanberry), took his seat, his feelings had prompted an immediate reply, not more because of the unprecedented manner of the attack upon the message which had been the subject of remark, than of the nature of the allusion which had been made to a bill not now before the House.

The member from Ohio has told the House that a majority of its members were dragooned into the passage of the Indian bill by the Heads of Departments. I had hoped that we should hear no more upon the subject of that bill, upon this floor, in the tone which had been so finely indulged by many of the gentlemen who had spoken against it, particularly as the concluding argument had been waived. It was not enough that, in the discussion of that bill when it was directly before the House, every epithet of reproach had been thrown out against its author : that one member should say it was perfidious ; another, that it was infamous, and a third, that open bribery had found a sanction in the officers of the Government ; and all these denunciations did pass almost unnoticed by the friends of the administration. I sat still and for-

bore reply under repeated slanders of this kind ; and at the instance of the friends of the measure, and in consideration of the advanced period of the session, permitted the question to be finally taken, without reply.

The President, in taking the ground he did upon the Indian question, knew that he was incurring great responsibility ; that he was shocking deeply wrought prejudices in various classes of the community ; in many sections strong religious feelings ; that he was exposing himself to the arts and misrepresentations of his political enemies, yet he dared to take the course he did, because he loved his country and its institutions ; that country for which he had hazarded more than mere personal popularity upon repeated occasions — for which he had offered to die. What had he gained by his course upon that question ? The President had taken a strong interest in the success of the policy of removing the Indians, because he thought it calculated to preserve the harmony of the republic, and its reputation from a blot, which the inherent difficulties of our relations with the southern tribes, and the irritations likely to grow out of them might bring upon it. But, sir, when he had laid the proposition before Congress he felt his conscience free. He had done what duty prompted ; the rest was to be decided. [Here Mr Vance called Mr Bell to order, as he was discussing a bill not before the House]. Sir, I refer to this measure because it has been brought into this discus-

sion. The administration has been charged with taking an improper interest in it ; and it has been repeatedly referred to as an instance of the extravagance of this Congress. We have been told, in this debate, that while the President scruples to appropriate money to internal improvement, he has urged the adoption of another measure, and by his influence, carried it through the House, involving an expenditure of half a million of dollars, and that, too, to further a ruinous and disgraceful policy. I consider everything I have said, or shall say upon this subject, strictly in order. When this measure was *directly* the subject of discussion, I stated that the extravagance of an administration would never be decided merely by the amount expended — that the intelligence of the country, in making up its verdict upon such a question, would look to the *propriety* of the expenditure — to the necessity which demanded the application of the public treasure ; and that praise or censure would follow as the objects to be accomplished were for good or for evil. I also then stated that, the removal of the Indians would bring more money into the Treasury by removing the incumbrance of the Indian title from the public lands, than would be drawn from it ; but enough of this now.

It has been said in the course of the debate, that the President has undertaken to decide against the will of the people, as expressed through their representatives in Congress, that appropriations shall not be made to objects

of internal improvement. The Constitution allows the veto of the President upon the will of a majority of Congress. By the course pursued in the present instance, the subject is recommitted to Congress, and an appeal will ultimately be carried before the people, who will, in their returns to the next Congress, pronounce upon the motives of the President, and approve or condemn his councils, as they shall think fit. Before that tribunal he will be arraigned, and if they shall not see the evils of the present system of appropriation in the light he does, he is willing to be prostrated in their esteem. But, sir, I do not understand the President to be opposed to internal improvement. It is the present unequal and distracting mode of appropriating the public treasure, which he has set his face against. A patriotic system of dispensing the general funds for the improvement of the country — a system which, while it professes to act for the general good, and to become a cement to the Union, shall be so, in fact; one which shall be secured against abuses by an amendment of the Constitution, is decidedly *approved* by the message. The expediency of proceeding in the system, as at present practised, is, it is true, as decidedly denied; but it is not proposed to dam up, forever, the stream from the Treasury for the beneficent purposes of internal improvement; this I do not believe the people will consent to; but it is proposed to check its flow in its present wild and unrestricted channel. It is believed

that the present burthens of the country may be greatly diminished; that manufactures may be duly encouraged, and still have a surplus in the Treasury, ample enough for the accomplishment of every desirable object of internal improvement.

The gentleman from Ohio, last up (Mr Vance), has spoken in an improper manner of the fading prospects of the west; and deprecated the idea of diminished expenditures for its benefit. I claim also to be a friend to the interests of the west — that west to which I belong by birth, and I promise that gentleman to go along with him, side by side, in asserting its claim to be regarded in the distribution of the favors of this Government — its claim to a fair portion of whatever funds shall be appropriated to internal improvement; but I differ with him as to the mode of applying them. I contend that the half million, which it would require to extend the Zanesville road through Kentucky, and to make it permanent, applied under the direction of the Legislature of that State, to various roads of smaller extent, leading from her interior secluded and fertile districts, to the great outlets which nature has already provided for carrying off the productions of the whole west, would secure a greater actual amelioration of the condition and prospects of the people of that State, than two millions expended upon any free great road, extending quite through the State, and belonging to any great system of national improvement, executed under the waste-

ful superintendence of the General Government. I affirm that the same increased proportion of actual advantage and amelioration would attend the application of a small amount to similar objects in Ohio, or in any other western State under the direction of the local authorities, over a large sum administered by the General Government.

Mr Sutherland said, he should vote in favor of the bill. He said Pennsylvania was the friend of internal improvements, and also the friend of General Jackson, and she would abide by both, waiting with confidence for the slow but certain process by which the system of improvements would universally prevail. The President had, in rejecting the bill, exercised only his constitutional power, and he (Mr Sutherland,) and his constituents, in supporting it, were only exercising the power which the Constitution granted to them. He represented a State which was friendly to both; for in fact, Pennsylvania was the first State which had given the present Chief Magistrate an undivided support, and which was also while it had lost no confidence in its first object, being the general good of his country, friendly to the great principle of internal improvement. That such would, sooner or later, be the universal sentiment of the nation, he had no doubt the course of time and the course of human affairs would render apparent.

Mr Isacks said, he was sincerely sorry to feel it a duty he owed to himself to say a few words on this subject. From

what had of late fallen from different members, and other indications, he scarcely knew whether even he was regarded as the friend or enemy of this administration. To such as might wish to monopolize the entire support of the administration he had but little to say. This he might say perhaps, without offence, that 'he was an older (not a better) soldier' than those who had on this day, so much to his satisfaction, pronounced their eulogies upon the President. He had been longer in the service of that cause which brought the present Executive into power than many who were now far ahead of him, at least, in their own estimation.

Mr Isacks said, when he came here some seven years ago, a colleague of the President's, if members of different Houses can be called so, the Tennessee delegation, with one exception, old George Kremer, and perhaps half a dozen others, were all the political friends that could then be numbered for him in Congress. Nothing could be more grateful to him than the multiplication since. He was now, and had been ever since, to this moment, no less the devoted, personal and political friend of the President than he was then and had been before. And in vindication of his honor, his honesty, patriotism and firmness of purpose, he would, on any proper occasion, 'go as far as he that goes farthest,' and he trusted that his acts, in and out of this House, during the two last struggles for the Presidency would be taken as a sufficient guarantee for that.

pledge. But on the present question he differed from the President, and what of that? We have, said Mr Isacks, differed before. During the Congress that we were representatives of Tennessee, we often differed; but there was then a class of subjects we did not differ upon. We voted together (I speak from memory, not records) on the survey bill, on the bill to subscribe stock to the Chesapeake and Delaware canal, on the bill for the construction of the road from Canton to Zanesville, in Ohio, and on the bill appropriating fifty thousand dollars to remove obstructions in the Mississippi river. I do not say, and must not be understood to mean that, by those votes, either he or I stand committed for this bill: but for myself I will say that, under the influence of opinions formed during the period in which those bills were discussed, and which opinions have never since been changed or shaken, I did, upon mature reflection, vote for this bill when it was here before; my opinion, notwithstanding the arguments by which the President's objections are so powerfully urged, remain the same, and if I live, I will vote for it again. And do I expect by that to offend the President? Not so. If it were to do it, it would prove that I am what I am, and he is not Andrew Jackson!!! I think I know the man who now fills the Executive chair well enough to be convinced that if without a change of opinion, I should feel so strongly the influence of the message as to change my vote on this bill, he would

think me a villain. I am certain he ought, under such circumstances, to despise me, as I should myself, and am sure he would. But suppose we had a Chief Magistrate capable of taking offence, and feeling resentment for honest consistency in others, I would say to him, I cannot help it; to you, Mr President, I owe no responsibilities; to none but God and my constituents do I acknowledge responsibility, and these I will discharge as I may.

My colleague (Mr Bell) anticipates the final settlement of the great question of internal improvement when the people shall decide, and their will is represented. I heartily join him in that appeal to the people, and so far as I can, will cheerfully stake the fate of internal improvement, yes, and my own fate politically, upon that issue. Will my colleague do likewise?

Mr Kennon observed that, being perfectly satisfied in his own mind that all the arguments which could be adduced would not change a single vote upon the subject, he felt himself bound to move the previous question.

The motion was agreed to by a vote of yeas 105, nays 76. So the previous question was carried.

The main question, which was the passage of the bill, the objections of the President notwithstanding, was then put, when there appeared to be yeas 96, nays 92. Two thirds of the House not agreeing to pass the bill, it was rejected.

On the 29th of May the House

proceeded to take up several other bills, which originated in the Senate, authorizing internal improvements; and as if with the view of evincing its total disregard of the opinions of the President, the House passed the following bills:

1st. One authorizing a subscription to the Washington Turnpike Company. The previous question was demanded and the bill was ordered to a third reading—yeas 81, nays 47, and passed, 74 yeas, 39 nays.

3d. A bill authorizing a subscription to the stock of the Louisville and Portland Canal Company. Here an attempt was made to delay the proceedings by demanding a call of the House; but the call was refused, 43 yeas, 91 nays. The previous question was then demanded and the bill was ordered to a third reading, 83 yeas, 52 nays, and passed, 80 yeas, 37 nays.

The act making appropriations for light-houses, improving harbors and directing surveys, &c, which had been amended in the Senate, was also called for, and various efforts were ineffectually made by the friends of the President to prevent a vote on the bill by motions to adjourn and for a call of the House. These having failed, the previous question was ordered, yeas 95, nays 44, and the amendments proposed by the Senate were put separately and passed.

On the amendment relating to the improvement of the navigation of Back Creek, in Maryland, the vote stood, yeas 76, nays 60. The amendments having all pass-

ed, the bill was sent, together with the two other bills, to the President for his approbation. The first bill being similar to the one already rejected, was returned to the Senate, where it originated, with a reference to the message rejecting the Maysville bill for his reasons. The Senate then proceeded to reconsider this bill, and on the question of its passage, notwithstanding the objections; the vote stood, yeas 21, nays 17, and the bill was rejected.

The other bills, viz. that authorizing a subscription to the Louisville Canal, and the bill for building light-houses were retained for further consideration until the next session of Congress. The manner in which they were finally disposed of must of course be reserved for a future volume. This determination of the Executive against the system of internal improvement gave great offence to many of his friends and entirely alienated some from his party.

Even in Congress such an increasing want of confidence was manifested that the decided majorities which the administration possessed in both Houses at the commencement of the session had dwindled before it into feeble and inefficient minorities. Nor was this the only difficulty to which the President had exposed himself by his decision. In seeking to temporize and to lay down a rule satisfactory to both parties, he had assumed an unsafe position, more difficult to maintain than either of the opposite points, which he sought to

avoid, and contradictory, not only to his votes when a federal Senator, but also to bills already sanctioned by him as President. The Cumberland road, the Detroit and Chicago road were within the limits of States, while the bill for the improvement of harbors and removing obstructions in rivers was only another branch in the general system of internal improvement. That bill, which was approved April 23d, appropriated for removing obstructions in the Ohio and other interior rivers \$85,474 ; for improving by piers and otherwise the harbors in the lakes \$21,607 ; for improving harbors on the Atlantic \$28,507 ; for piers and breakwaters on the Atlantic \$185,010 ; for the preservation of Plymouth beach

\$1,850 ; for deepening an inland passage between St John's and St Mary's rivers \$1,500 ; for improving the navigation of rivers on the Atlantic \$27,688.

The approval of the bill authorizing these appropriations left it still doubtful how far the President felt at liberty to assent to internal improvement bills, and of the exact extent and limits of the principles by which he intended to be governed during the residue of his administration. Some dissatisfaction was excited by the unusual course he adopted, of retaining bills until the next session, and the country looked forward with some curiosity for the further development of his views on this question, at the next session of Congress.

CHAPTER VIII.

MEXICO.

Condition of Country. — Invasion from Havana. — Defeat and Capitulation of Invaders. — Revolution. — Separation of Yucatan. — Abdication of Guerrero. — Bustamente chosen.

THE last important incident recorded in our summary of events in Mexico, for the year ending in July, 1829, was the expedition fitted out against her in the Havana, under the command of General Isidor Barradas; a circumstance which instead of inflicting injury upon the nascent liberties of the Mexicans, was for a time productive of great and important benefits. The sanguine hopes that had been entertained of permanent tranquillity and prosperity under the vigorous administration of President Guerrero, had already begun to fade away; the seeds of disease were too deeply planted, to be eradicated so easily; the finances of the country were inextricably entangled; commerce was still declining, and the revenues were necessarily diminished in proportion. The army, strengthened in power and encouraged in presumption by its agency in the late revolution, had too long indulged in license to yield quietly to the supremacy of civil rule, and but for the approach of dan-

ger from abroad to occupy its attention and employ its energies, it is probable that anarchy would soon have triumphed over the fatal weakness of the new administration.

The hopes of the Spanish Government and the royalist party from the invading expedition were soon to be dissipated.

They had calculated largely upon the internal difficulties and dissensions of the Mexicans, and the utter impossibility of defence was strongly insisted on. The celebrated castle of St Juan D'Ulloa was said to be in a state of dilapidation; the Mexican fleet was greatly inferior to that under the command of Commodore Laborde; and the greatest reliance was placed upon the intestine divisions of the country, and the supposed unpopularity of the Government, arising from the expulsion of the Spaniards. But if the means of resistance were feeble, those of the invaders were contemptible, and their measures the most ill-judged and unwise that ever disgraced an incompe-

tent commander. The whole number of the Spanish army was but little more than 4000; and with this inconsiderable force, they landed upon the shores of Mexico in August, a season of the year when pestilence taints every breeze, to attempt the conquest of a country through which, on account of physical impediments, it is difficult to march a body of troops even when unopposed, and in which they could rely only upon their own resources for supplies and subsistence.

The Spaniards landed at Tampico on the 27th of July; and notwithstanding the alleged weakness of the Government and lukewarmness of the people, the most vigorous preparations were promptly made for their reception. The Congress, in the exercise of its unlimited prerogative, invested the President with extraordinary powers, to be retained until the danger should be at an end; and General Santa Ana at the head of about two thousand men advanced to Tuspacu, distant only 70 miles from the place of debarkation. As soon as he received information of the landing of the enemy, he hastened to meet them at Tampico where he arrived on the 19th of August.

Barradas in the meantime had marched with the greater part of his force, to attack General La Gargia, then occupying Altamira with about 3000 men, who retreated before him — but he was soon recalled from the pursuit. On the 20th of August, Santa Ana attacked the old town of Tampico, the head quarters of the Spaniards, of whom however

but a few hundreds had been left by Barradas for its defence. These, with the sick, offered a stout resistance to the efforts of the Mexicans for a time; but the disparity of numbers was too great and the remnant of the Spaniards were actually in treaty for the surrender of the place, when their General, abandoning the pursuit of La Gargia, arrived by a forced march to their assistance and Santa Ana was compelled to retire. The rest of the month of August was passed in inaction, but every day added to the distresses and difficulties of the Spaniards. The reinforcements which they expected from Cuba did not arrive; the number of the sick daily increased; and the army of Santa Ana was constantly receiving accessions of fresh troops and of artillery. The result could not be long delayed; and on the 10th of September, General Barradas surrendered upon favorable terms of capitulation. The Spaniards evacuated the citadel, and delivered up their arms, standards and ammunitions, but the officers were permitted to retain their swords; and it was agreed that until the arrival of transports from Havana, the invaders should remain at Vittoria, defraying their own expenses, and giving their parole never to return or bear arms against the Mexican republic.

The success of Santa Ana was hailed by the people with the utmost enthusiasm, and the only effect of the Spanish invasion appeared to be an increase of the power and stability of the Government, by the distinction of a

military triumph. But the gain was only temporary. The reaction of feeling, particularly among the military, was powerful in the extreme, and soon resulted in another revolution, less violent indeed than those which had preceded it, but equally effectual and far more unaccountable.

The state of Yucatan commenced by a declaration against the Federal Government and in favor of a Central Government. The immediate cause of discontent appears to have been the reluctance of Guerrero to resign the extraordinary powers with which he had been invested on the approach of the Spaniards; but it is probable that this unwillingness was only seized upon by his political opponents as a pretext for resorting to violence. Various insurrectionary movements of slight importance occurred in several of the States, of which the Vice President Bustamente is supposed to have been the principal instigator; but no serious apprehensions were entertained by Guerrero and his party until the 4th of December, 1829, the anniversary of the Yorkino revolution of the preceding year. On that day Bustamente placed himself at the head of the army of reserve, stationed in the state of Vera Cruz, issued a proclamation denouncing the abuses and usurpations of the executive, and commenced his march upon the capital to enforce the reform which he alleged to be necessary.

Santa Ana published an energetic proclamation promising to support Guerrero, but before he had reached Salapa, he received news of his overthrow.

Guerrero immediately resigned his extraordinary powers, convoked the Congress, and appealed to them for support. He then left the Capital with a small body of troops to meet the approaching enemy. His departure was the signal for the troops left in the city of Mexico to declare their adherence to the party of Bustamente, and a complete and bloodless revolution was effected on the 22d of December. General Quintanar, at the head of the troops in the Capital, made a declaration of adherence to the plan of Bustamente, urging the assembling of a council of government, and naming three persons to compose it, one of whom was the President of the Supreme Court of justice. At dawn the garrison troops peaceably occupied the citadel, the Acordada, and all the other guard posts except the Palace, from which they were fired upon for a short time, between one and two o'clock, and again from about half past five, A. M. to nine, when that also was taken, after the loss of only ten or twelve men. No disorder took place afterwards, and the shops and public walks were open the same day as usual.

The council immediately assembled, nominated Quintanar and Alaman as associates with Sr. Velez, President of the court of justice, to exercise the Government, and they began their duties that very evening. Guerrero thus placed between two enemies and suspicious of the fidelity of the small number of soldiers who still adhered to him, found himself compelled to adopt the only safe course that remained

to him, by abdicating the Presidency and returning to his estate. His example was immediately followed by Santa Ana and the other leaders of his party, and the provisional Government composed of Velez, Alaman and General Quintanar, assumed the administration of affairs until the arrival of Bustamante. Perfect tranquillity was at once restored to the Capital, and General Bustamante was elected by the army as the temporary successor of Guerrero.

This latest change in the Government is remarkable for the number and variety of the different parties by whose united influence it was effected, and the difficulty of discovering the motives by which some of them can be supposed to have been actuated. Federalist and Centralist, Yorkinos and Escoceses seem to have forgotten all their animosities, and it is impossible to discern in the composition of the triumphant party, any distinctive principle by means of which the incongruities of their co-operation can be explained. Certain it is that the popularity of Guerrero was much diminished even among his own immediate partisans, and that his measures after his elevation to the Presidency, were received with but little favor by the people in general.

The rich were displeased with his decree for the abolition of slavery, which yet was productive of but little benefit to the slaves, whose condition was already but very slightly inferior to that of the citizens. The greatest discontent however prevailed among

the military, and as in all the other Mexican revolutions, the downfall of Guerrero is chiefly to be ascribed to their immediate agency. Its consequence upon the republic, were of no great importance. In fact the revolution cannot be considered as the triumph of one party over another, and not likely to be attended with any results much more striking or permanent, than a change of administration produces in this country or in England.

On the 8th of January, the following States of the Confederation had sent in their adhesion to the new order of things: — Mexico, Guanajuato, Zacatecas, Jalisco, Queretero, Puebla, Vera Cruz and Oajaca. Bustamante had appointed the Cabinet already published; and the old ministers had returned to their homes.

The manifesto published by Bustamante at Mexico on receiving the Government, is very long, and promises to conduct everything with the utmost submission to order and the Constitution, speaking of the continued exercise of the extraordinary powers by Guerrero as very improper, and of various improvements in the administration as necessary and required by the public exigencies and the public wish.

The only incident of moment which appeared to grow out of the demonstration of Bustamante, was the separation of the State or province of Yucatan from the confederacy, which was declared by a Federal Act of the Provincial Legislature, signed at Merida on the 9th of November, immediately after the issuing of the

proclamation of the Vice President. And even this, it is not improbable, would have taken place although perhaps not so soon, had Guerrero continued to fill the presidential chair. In fact the little importance of the revolution, as it is called, considered with reference to its effects upon the policy and condition of the republic, is proved by the facility with which it was accomplished, and the remarkably short period in which perfect tranquillity was restored. It remains to be seen how long the Government

of Bustamante is to continue, and whether and to what extent his administration is likely to advance the interests and improve the condition of the people. Up to the present time (August, 1830) everything has gone on well and harmoniously. No incident of importance has occurred since the installation of the new President, and he is represented as popular, and as being actively and successfully engaged in the arduous task of restoring the finances, and augmenting the wealth and power of the republic.

CHAPTER IX.

COLOMBIA.

Mosquera elected President. — Castillo's project of a Constitution. — Congress convoked on January, 1830. — Attempt to introduce a Monarchy. — Revolt of Cordova. — Arrival of Bolivar at Bogota. — Resigns his office to Congress. — Message to Congress; Character of do. — Separation of Venezuela. — Causes of Discontent. — Overthrow of Government. — Negotiations. — Mosquera chosen by Congress. — Commotions at Bogota. — Constitution accepted. — Sucre assassinated. — Movements in favor of Bolivar. — Dissolution of the Government. — Bolivar reassumes the Government. — Bolivar's Death.

THE history of Colombia during the period which falls within the history of this year is so interwoven with former events, that for the purpose of a full understanding of its political relations, it will be necessary briefly to recapitulate.

In the last volume of the Register will be found a detailed account of the manœuvres which resulted in the appointment of Bolivar as Supreme Chief of the republic. In this station he remained until the 4th of May, 1820, at which period the Constituent Congress having received his eighth and last renunciation, elected Senor Joachim Mosquera, President of Columbia.

During this last administration of the Government by Bolivar, certain facts occurred, which as having an important bearing on the subsequent history of the

country, we will now proceed to detail.

The Liberator having been invested with unlimited authority, named a council of State to assist him in the administration of the public affairs, composed of the following individuals :

Jose Maria Castillo, President of the Council,

Jose Manuel Restrepo, Secretary of the Interior,

Gen. Rafael Urdaneta, Secretary of War,

Istanislao Vergusa, Secretary of Foreign Affairs,

Nicolas Fanno, Secretary of the Treasury, and Geronimo Fornes, Joachim Mosquera, Jose Felix Valdivia, the Archbishop of Bogota, Martin Santiago of Ycusa, and Colonel Domingo Espinar, Secretaries.

Mosquera unwillingly accepted

the appointment at the urgent request of Bolivar and after three months sent in his resignation and retired.

During the first session of the council, Senor Castillo, submitted the project of a Constitution, which throws some additional light upon the motives and designs of the dominant party. According to this project the executive power was vested in a President without responsibility and five ministers of State to be appointed by him and responsible for all the acts of the executive.

The legislative power was to be composed of two chambers, one of senators, who were to be appointed by the President, who could remove them at pleasure, and the lower house of representatives, one to be chosen by each province.

There was also to be an executive council of State composed of the Vice President, who was to be elected by the Provinces, and the Secretaries of State and a number of deputies from the chamber of representatives. All the councillors, with the exception of Mosquera, approved of this basis. Mosquera expressed an opinion adverse to the project founded on various reasons, of which the principal ones were, that in his judgment, allowing that the acts of the people were the expression of their free will, still they had conferred the dictatorship upon Bolivar, only until the next assembly of the national representation, and that these words were an express reserve of the right of constituting a Congress of Deputies of their own free choice. He also observed,

that the Colombians had generally manifested their opposition to a Senate subject to the pleasure of the executive, and although it would be joined by a chamber of deputies, they were few in number and utterly disproportioned to the population of the provinces.

Finally he explained the causes, which induced him to believe that if such a Constitution were given to Colombia, it would produce another revolution.

The Liberator then said, that although there was but *one* vote in opposition, the reasons advanced by Mosquera gave him great pain and he would take time to deliberate.

On the following day he declared to the council his opinion agreeing with Mosquera and the project was abandoned.

The Supreme Chief then published the organic decree of the 27th August, 1828, which was to serve as a provisional Constitution until the second of January, 1830, for which period he offered to convoke the national representation for the purpose of giving a new Constitution to the Republic.

After the termination of the war with Peru, by the treaty of peace concluded in Guayaquil on the 22d September, 1829, public attention was directed to the meeting of the constituent Congress convoked for the 2d of January, 1830, with the view of giving a complete and efficient reorganization of the republic upon a firm and permanent basis.

On arriving at this epoch, which has terminated in universal confusion, we will briefly review some of the most remarkable facts which.

have thus placed Colombia on the brink of ruin and shaken her political fabric to its foundation.

During the absence of Bolivar in the South, the administration of the Government was placed in the hands of his council of Ministers.

It had before been suggested, that the most appropriate form of government for Colombia, was a Monarchy, and the present moment was seized upon to effect the change.

M. de Bresson and the Duke of Montebello had just arrived at Bogota as Commissioners of the King of France, and the project was proposed to them, with the understanding that if France would render her assistance, they would propose the coronation of a French Prince.

This treasonable project was mainly supported by Gen. Rafael Urdaneta, a member of the council and Stanislaw Vergusa, Secretary of Foreign Relations.

The French Commissioners merely replied that they would inform the government of the proposal, as they had no authority to act in an affair of this character, and the French Government up to this period has not interfered.

This affair constitutes one of those blots in the career of Bolivar, which the memory of his good deeds is scarcely sufficient to efface.

That Bolivar knew of the project there is no doubt, that he disapproved of it is equally true; but his subsequent conduct clearly indicates that his disapproval was grounded not on his opposition to a monarchy but to a French monarchy.

General Urdaneta wrote to Paez at Venezuela communicating to him the designs of the council of ministers, and as will presently appear, produced an excitement, which was only quieted by the separation of that ancient province from the Republic of Colombia.

Meanwhile, Jose Maria Cordova, general of division, arrived from the South and placing himself at the head of some patriots in the province of Novita, raised the cry of liberty. The Governor of the province of Novita followed his example; but the movement was partial and ineffectual.

The council of ministers, knowing the intrepidity and patriotism of Cordova had prepared themselves for the emergency. And a strong column was immediately despatched from Bogota against him, headed by General O'Leary, by whom he was defeated, and mortally wounded, not without suspicions that his wounds were not received in battle.

Bolivar, who was still in the South, and who knew full well the disposition of Cordova, received from him a letter in which he declared with frankness and energy his firm resolve to die if necessary in defence of the liberty of his country and the republican system.

The inflammatory state of Venezuela and the causes which were there preparing another revolution were equally known to him, and filled with alarm and disquietude, he set out on his march for the Capital. The precarious situation of public affairs and the increasing distrust of his own motives and designs, at length determined the

Liberator again and for the last time to retire from the civil command, still however offering to sustain with his sword the Constitution which the new Congress should give to the republic.

In the department of the South, the popular choice fixed upon Mosquera, who was then in Papayan, having withdrawn himself from public affairs since his retirement from the office of State Councillor. Bolivar on his march from the South visited Mosquera in Papayan and urged upon him his wish, that he would consent to become a candidate for the chair of State.

It was said, that Mosquera at first declined the dangerous honor, pleading his ill health and his repugnance to undertake so arduous a charge as that of reconciling the discordant materials of which Colombia was composed.

It certainly was a difficult matter for a single citizen to undertake to quiet the tempest then raging in the republic, and however highly we think of the patriotism and talents of Mosquera, we are disposed to question his power to have controlled the independence of the immense number of military chieftains with which the country was harassed, and which had in fact rendered it a military republic.

Bolivar arrived at Bogota on the 15th of January, 1830, and on the 26th of the same month installed the Constituent Congress of the republic.

In his message to Congress of the same date, he makes use of these remarkable words:

‘If it had not been my lot to possess the honorable advantage of calling upon you to represent the rights of the people, that in conformity with the wishes of your constituents, you might remodel our institutions, this would be the place to exhibit to you the fruit of twenty years’ exertions consecrated to the service of my country. But it is not for me to point out what all the citizens have the right to demand from you. I alone am deprived of this civic privilege, because having called you together and explained your duties, it is not permitted me in any manner to influence your counsels. It would be superfluous to repeat to the delegates of the people what Colombia has written in characters of blood. My only duty is reduced to unrestricted submission to the laws and the magistrates you may bestow upon us, and my fervent aspiration is that the will of the people may be proclaimed, respected and fulfilled by its delegates.’

After recommending in the strongest terms the necessity of naming another individual for the chair of State, he proceeds. ‘Believe me, a new magistrate is indispensable for the republic.

‘The people wish to know if I shall ever cease to command. Show yourselves, citizens, worthy of representing a free people by banishing every idea that upposes me necessary to the republic.

‘A state dependent on one man ought not to exist, and will not exist. Hear my supplications. Save the republic! Preserve my

glory, which is the glory of Colombia. Dispose of the office of President, which I respectfully resign into your hands. From this day I am no more than a citizen, armed to defend my country and ready to obey its laws. Discontinue my public employments forever. I make to you a formal and solemn delivery of the supreme authority which the national suffrages have conferred upon me.'

Besides the message of the Liberator, there was presented to Congress by his order, an exposition relating to the different branches of administration, and the political circumstances of the Republic.

This document, signed by the President of the council, 25th of January, 1830, after pointing out the evils which had afflicted the republic, contains the following extraordinary expressions.

'During the last four years there have been discussions more or less warm, more or less impartial, upon the form of government suited to Colombians, and in the multitude of writings, the opinions of almost all the citizens have been expressed.

'All without exception have manifested their desire for the establishment of a government, which shall be the firmest foundation of liberty, which shall secure individual rights, and preserve sacred the inviolability of property of every kind. In regard to the executive power alone, there are differences of opinions. Some desire a Supreme Magistrate for life, others an Hereditary Monarch,

but the greater part prefer an elective and temporal Chief Magistrate.'

It may be necessary with a view to a full and complete understanding of the important events of this year, to explain the character of the Congress to which this message was addressed. The elections were undoubtedly free and regular. The different parties exerted themselves as customary in contested elections, in favor of their respective candidates; and the contest terminated in the choice of a large majority of ancient and well tried patriots, and among the most illustrious in Colombia. Among the deputies at large, Bolivar had unquestionably a majority, embracing therein a portion of those, who were in favor of a republican system of government, and who were unwilling to believe the Liberator other than friendly to the system, which they themselves were pledged to support. The conduct of Bolivar at this moment, when the mere expression of his opinions in favor of a republic, would have prostrated the hopes of the agitators and gone far to have reconciled the feuds existing throughout the country, was vacillating and temporizing. He refused to continue in office, but declined the expression of his opinion as to the form of Constitution they should adopt. It is certain, had it been his wish, Bolivar might have been elected President, but the deference of that portion of his friends, who were attached to a liberal form of government and who held the balance of power, would carry them

no further; and as he persisted in his refusal to serve, they waited on another candidate. Meanwhile the long smothered flame burst forth, and Venezuela, with Paez at her head, declared herself independent of the Central Government at Bogota.

We will here briefly trace the causes which led to this result.

From the year 1821, when the Constitution of Colombia was first proclaimed, the municipality of Caraccas on taking the oath observed, that that portion of the republic had not been properly represented in the formation of that compact, and repeated manifestations of discontent were subsequently evinced by the inhabitants of Venezuela towards the government at Bogota, which excited fears, that they would think of separating from the rest of the republic. In 1826, as we have before remarked in a previous volume of this work, a revolution broke out proclaiming the federal form of government, and although the Liberator was able at that time to repress it, the fire of discord still burnt unnoticed. In the department of the South, and particularly in Quito (capital of the department of the Equator) they took the oath of allegiance to the Constitution in 1822, after having freed themselves from the Spanish sway, but expressed their unwillingness to be dependent on a Central Government resident at Bogota.

From the first, they constantly insisted, that the Constitution had been formed without their concurrence, being at the time of its promulgation under the yoke of Spain.

The Constitution was indeed obeyed, but a jealous distrust of the government at Bogota, was evinced even in the act of rendering it obedience.

This jealousy, like that which exists in our own country, was excited and fostered as well by local parties as by the peculiar situation of the country.

The two great branches of human industry, Manufactures and Agriculture, were brought into direct collision. While the departments of the North were engaged in agricultural pursuits, the labor and wealth of the South were entirely devoted to manufactures.

Instead of mutual assistance and support, dependent as they are upon each other, the same petty jealousies, that have elsewhere been exhibited between these important branches of domestic industry prevailed there to the fullest extent, and seemed to widen the breach, which was already almost beyond repair.

The plan of the Bolivian confederation reanimated the projects of the South and of Venezuela in favor of the federal system, and was the immediate cause of the overthrow of the Constitution.

The following letter, written by General Bolivar to General Herez, who was then living at Lima as a member of the Council of State, having received his appointment as such from the Liberator, served to encourage the hopes of the dissentients.

Dec. 4, 1826.

During the eight days that I have remained in Bogota, I have been solely engaged in enforcing

upon the Vice President and Secretaries, the necessity of adopting the plan of the confederacy of the six States, and I believe that the Vice President will support it with all his influence. We have agreed not to reassemble the Congress, and to convoke a Grand Convention, when it will be easy to confirm the right of that which in fact now exists. Venezuela is in truth independent, and she will enter deeply into this plan, because torn to pieces by warm passions and by jarring interests, vacillating without a government, and full of misery as she is, she cannot but adopt it with pleasure. All the South anxiously desires it and New Grenada cannot remain isolated between two States embracing its boundaries. This letter, as respects its politics, is also for General Santa Cruz and his worthy ministers, to whom you will impart these suggestions, that they may be prepared when Perez shall propose to Colombia the confederation heretofore agreed on.

The Constitution being thus overthrown, various efforts were made to restore it, and the best hopes of the people tested on the Congress of 1830.

These hopes however proved fallacious, the expectations from the Congress were destroyed by the plan of a monarchy before mentioned, and Venezuela, alarmed at the prospect, declared a separation.

The 25th November, 1829, Caraccas declared her separation from New Grenada, by disowning the authority of Bolivar, and all the provinces of the ancient

Captain Generalship of Venezuela followed the example.

The cause assigned was the attempt on the part of the heads of the government to subject Venezuela to a monarch.

General Pedro B. Mendez in a letter to General Bermudez published by him, makes use of this strong expression. After describing in studied language the advantages of monarchy, he says, 'the principal question in New Grenada is, as to the best means of carrying it into effect.'

This disclosure was followed by a burst of indignation, which resounded throughout the republic, and convinced the partisans of the measure, of the difficult nature of their undertaking to deliver over the country into the hands of a foreign monarch. A representation signed by 1500 citizens of Caraccas on the 24th Dec. 1829, was sent to General Bolivar, informing him of their resolution, and concluding with these words —

'The world will investigate the causes of the misfortunes, deaths, and horrors which will ensue, and will not be deceived by the pretexts, by which they are sought to be imputed to us. We would leave open the graves of the victims, that our posterity may see the blood shed by their fathers, and the wounds which they received from the hands of those who wished to destroy their heroic patriotism.'

The news of the commotion in Venezuela and her separation from the republic, having reached Bogota, the question was at once presented to Congress; whether

force should be employed to compels a submission to the central government, or conciliating measures adopted. Bolivar proposed to Congress on the 27th of January, 1830, to go personally to treat with Paez, on the boundary line of Venezuela, in order to bring him over to the union; and to make his efforts of more avail, he recommended that Congress should by direct vote authorize him to undertake the mission. After a long debate, it was resolved, to send to Venezuela commissioners authorized to treat with Paez, and instructed to present to him and the towns under his control, the basis of the Constitution framed for Colombia, according to which, the Government was to be republican, popular, representative, elective, alternative and responsible. General Antonio Jose de Sucre, Jose Maria Estenes, Bishop of Santa Marta, and Francesco Aranda, members of the same Congress, were named for this commission of peace, and it was believed, that Venezuela on understanding the basis of the new Constitution, would desist from the undertaking of separating herself from the republic and the formation of an independent State.

In the meantime the battalion of Boyaca raised the cry of liberty, disowned the authority of the liberator, and being unable to sustain itself against the forces in Magdalena, set out for Maracaibo and put itself under the command of the new government of Venezuela.

Congress meanwhile proceeded in the discussion of the project of a Constitution, recognising the

central form of government. It was feared even before its adoption, that the Constitution would be shipwrecked on one of two shoals, either that it would be necessary to sustain it by force, in order to insure its adoption by Venezuela, and expose the country to the horrors of civil war, or that it would fall through from the separation of Venezuela and the consequent want of the consent of all the States, necessary to its adoption.

The Government then existing at Bogota, sent a division under the command of General O'Leary to the dividing line of Venezuela and New Grenada to prevent the progress of the revolution in that part of Colombia which encamped in Pampluna, while the government of Venezuela, fearing an attack, on their part sent another column to the frontier of New Grenada under the command of General Santiago Marino which took up its quarters in Gaudalito. On all sides, the dread of a civil war prevailed, the prospect of which was rendered the more terrible from the fact, that the departments of the South were inclined to follow the example of Venezuela and to constitute themselves into independent States.

A confederation was proposed by some as a means of harmonizing local pretensions and preserving the national integrity, but men of influence in Bogota opposed it and Congress rejected the measures considering themselves as assembled in conformity with the fundamental law, constituting New Grenada and Venezuela into a central republic, and as therefore

invested with no other power than that of remodelling the Constitution upon the basis of a central Government.

A project was then proposed by some of the deputies, of district assemblies of the departments, with the power of deliberating in all municipal matters and of proposing to the executive the Prefects of their respective departments : which project was adopted and incorporated into the Constitution.

But the agitation was great on all sides, and Venezuela still remained unmoved. New proofs of the inflexible resolution to separate daily arrived at Bogota, and in nearly all the acts of its government and in the public papers, was manifested an inveterate aversion to Bolivar, who they supposed, was to obtain the command of the republic.

Among the population of New Grenada itself, there was evinced much sympathy with the Venezuelians, and a repugnance to the employment of force to compel a submission to the central government, and petitions were presented in March to Congress from nearly all the towns of the provinces Pápayan, Pasto, Buoniaventura, Choco, Neiva and Pampluna, praying that war might not be declared against Venezuela and that the Federal system or confederative form of government might be adopted to preserve the integrity of Colombia.

In the province of —, another revolution broke out on the 4th of April, disowning the general government and placing itself under the protection of Venezuela.

About the middle of April the division under the command of

General Marino approached the Tachura (the river which separates the territories of New Grenada and Venezuela) and on the 21st of April the inhabitants of Cucuta proclaimed themselves independent of the central government, disavowed the authority of Bolivar, declared themselves in favour of the federal system, and asked the protection of Marino against the body of troops then in Pampluna.

This revolution occurred before the eyes of the Commissioners on the part of the Congress, who were then in Cucuta, having been prohibited by an order from Páez, from entering the territories of Venezuela.

On the part of Venezuela, Marino, Ignacio Fernandez Peira and M. Tobar were named as commissioners for the purpose of meeting the commissioners from Congress.

They met in San Jose de Cucuta on the line of the Tachura, on the 18th of April, and according to the protocol of the conference published in the Gazette of Colombia, the official paper signed as the only result of their meeting, the following propositions were presented by the commissioners on the part of Venezuela.

1. That it be permitted to New Grenada and the departments of the South to constitute themselves freely and independently as Venezuela had done.

2. That Congress decide on the proper means to promote the foreign relations of the country and to preserve the public credit, until the representatives of the different States should agree upon the understanding to be established among them for the future.

3. That no individual who had enjoyed the executive power or had been Secretary of State should be again appointed to those offices.

4. That necessary measures should be taken for the accomplishment of what had been established in the first proposition.

5. That the constituent congresses of the three States of the North, Centre and South should fix upon ties adapted to bind them together for the future.

6. That it be permitted to the officers of the army to remove to any of the three States, and that the soldiers should be at liberty to return to their houses — and

7. That no individual, civil or military be molested on account of his political opinions up to that time.

Such was the only result of the mission of the Congress to Venezuela.

By this time General Bolivar had retired to his country seat in the vicinity of Bogota, and General Caicedo, who was then in charge of the Executive power, anxious to avoid the horrors of a civil war and a general popular commotion, in conformity with the expressed opinions of the different provinces, sent to Congress a message, which on account of its influence on public affairs, as well as the unwarrantable interference caused thereby of the British minister, whose understanding with the partisans of Bolivar was by such interference fully confirmed — we publish entire.

Bogota, April 13th, 1830.

Most excellent President
of the Constituent Congress.

SIR — A great portion of the

Republic being in a state of commotion, it was easy to see that these movements would soon be communicated to the other towns and that the tranquillity of these also would soon be disturbed. The representation addressed by the Prefect of ———, and that of the commandant of Boyaca, which I have the honor to transmit to your Excellency, are the proofs of this fact. In such critical circumstances, and with the present precarious condition of the Government, I cannot answer for the tranquillity of the towns nor the security of the country. For some days past the Government has entertained the opinion that the labor of the Congress towards the formation of the Constitution will be fruitless; under the supposition that Venezuela is disposed to resist it with force; and if granted for the Republic it would not be adopted by all the departments.

Of what use would a Constitution be that is to be in force but for a single day? A Constitution is one of those works which should be framed only when it is expected it will be obeyed. If the contrary is the case it is better to withhold it. A grievous evil is inflicted upon the towns by accustoming them to look upon the Constitutions framed by the National Representation as mere unmeaning pieces of paper.

The Government is of opinion that the labors of Congress would be useless to the nation unless directed to the granting of an organic decree, pointing out the attributes of the supreme Government, insuring individual and social security, naming the high

functionaries in whose hands are to be placed the reins of State, and authorizing them to convoke a Convention for the purpose of deciding on the fate of these towns. Such is the general wish, such is public opinion, and such the means of remedying the evils which are not merely feared to exist, but which are, in fact, at this moment in contact with us.

The movement of a single Province may conduct us from partial revolutions to absolute disunion and anarchy. If the union with the departments of Venezuela is possible, the representatives of the two people will be able while tranquillity exists to fix upon the union, to settle their differences and to agree upon the ties to bind them for the future. But in the midst of revolutions and disorder, the people will precipitate themselves to ruin.

Having made this representation to you, I consider it my duty to declare that the measure pointed out is as urgent as it is necessary.

Please submit it to the wisdom of Congress, which, penetrated with the best desires, will undoubtedly pursue the measures best calculated to insure the tranquillity of the people and the well being of the Republic.

DOMINGO CAICEDO.

The message having been read to Congress, was referred, with the accompanying documents, to a committee, by whom, after careful deliberation, a report was made, from which we extract the following :

‘In this state of affairs, the

committee do not think that Congress should occupy itself with the formation of a provisional Government for the departments of New Grenada, which might be rejected by a majority of the votes. The committee entertain the opinion that some consideration is due to the suggestions of the Executive, and that a reply should be delayed until the result of the mission of peace to Venezuela is fully known. The committee therefore have agreed to the following resolutions :

‘1. *Resolved*, That before replying to the message of the Government they will wait for the result of the mission of peace, without in the meantime suspending their deliberations for the formation of a Constitution.

‘2. That the Chief of the Government be invited to a conference with a special commission, that by means of mutual explanations an understanding may be effected.’

Congress, in the face of the report of the committee,

‘*Resolved*, That they would reply to the acting Executive, that Congress was occupied with devising means to arrest the progress of the threatened disturbances, and that on the part of Government every effort should be made to calm the public mind, and to reestablish order by all the means in its control.’

Congress having thus determined on their reply to the message of the acting Executive, Mr Turner, Envoy Extraordinary of His Britannic Majesty, on the

19th of April, addressed a note to the Secretary of Foreign Relations, in which he says that, 'He has observed with equal regret and surprise in the Government Gazette, a copy of an official message addressed to the Congress by the Executive power of Colombia, in which was proposed the formation of a separate Government for New Grenada, and the consequent dissolution of the Republic.' After protesting against any wish to interfere with the domestic concerns of Colombia, he gives notice that, 'if such a measure is sanctioned by the Congress and carried into effect, the existing treaty between Great Britain and Colombia would become *ipso facto* annulled and the functions of the undersigned will cease.'

The Secretary of Foreign Relations replied that, 'The message of the Government of the 15th, far from having for its object the dissolution of the Republic, was intended to preserve it; and that the measures proposed were to lead to a calm deliberation on the part of ancient Venezuela and New Grenada to restore the union unfortunately interrupted.'

On the twentysecond day of April there was much alarm in Bogota on account of a supposed intention to confer anew the supreme power upon Bolivar. This arose simply from the proceedings of Colonel Diaz, who was engaged in obtaining signatures in Bogota to a petition to the Congress, having this object in view, and of other officers who were similarly engaged in several of the neighboring towns. But the at-

tempt was received with indignation by the people, and General Caicedo promptly resorted to vigorous measures to suppress it, appointing Urdaneta, who was the Governor of Bogota, to command the troops destined to oppose the agitators. On the 27th of April Bolivar sent a message to Congress renewing the protestations of his unwillingness to assume the chief command, and containing these expressions — 'Venezuela, to effect its separation from the Republic, has accused me of ambitious views. It will now allege that my reelection will prove an obstacle to reconciliation and that in the end the Republic must undergo either a dismemberment or a civil war. It is the duty of Congress to give to the towns of Colombia a new Magistrate, invested with powers adequate to the exigencies of the time and the vigorous administration of the laws.'

General Caicedo had ordered General Velez to take command of the division of Pampluna but the officers of the division disobeyed the mandate of the Government and refused submission to the order of Velez, having entered into an agreement to that effect on the 29th of April. This division was a source of great uneasiness to the people, as being under the control of neither of the Governments of Colombia and Venezuela. Its refusal to obey was supposed to be concerted between Montilla, who was then at Magdalena, and the other friends of Bolivar, who wished to see him resume the chief command, and this was a new motive for distrust and alarm in those whose

desire was to see quiet and the supremacy of the laws reestablished.

On the 29th of April the Congress of Colombia ratified the Constitution of the Central Republic, notwithstanding the opposition of the towns; but to satisfy the friends of the federal system it was decreed that, in each department a district Chamber should be established with the power of directing the local and municipal affairs; the departments.

By a decree of the 11th of May, the mode of nominating and electing the Senators and Representatives was established, and by another decree of the same date, the Province of Antiochia was erected into a Department.

The most important decree, however, of this period, was that which fixed the time and manner of the publication of the Constitution.

On the 4th of May, Congress went into an election of President and Vice President of the Republic. There were three candidates, Canabal, Caicedo and Mosquera. The former was the candidate of the Bolivian party, the two latter, of the liberal and moderate party. Mosquera especially enjoyed the confidence of all parties, as a patriot of strict probity and one whose desires and actions were solely directed to the welfare of his country. Bolivar had himself expressed his preference for Mosquera, but it was understood that he had absolutely refused to accept the appointment if conferred upon him; assigning as a reason his infirm state of

health and physical debility, produced by a long and dangerous sickness, from which he was just recovering. Canabal was considered as the candidate of the monarchial party.

On the first ballot the votes were, for Canabal 26, Mosquera 17, and Caicedo 5 — total 48.

Two thirds being necessary to a choice, and neither candidates having received that number, a second balloting was gone into. The result was, for Mosquera 27, Canabal 17 and Caicedo 5 — total 49. The third balloting was limited to the two highest candidates and the result was, for Mosquera 34, Canabal 17 — total 51. Senor Joachim Mosquera was therefore declared duly elected President of Colombia. For Vice President the votes were, for Caicedo 33, Canabal 12, Valarina 2 — total 47. General Domingo Caicedo was therefore declared elected Vice President. This result was mainly attributable to that portion of the representation who, entertaining a preference for Bolivar and an ardent attachment for his services, were opposed however to the doctrines advanced by some of his partisans; a concurrence in which had already diminished the otherwise deserved popularity of the Liberator and placed the Republic on the verge of ruin. Bolivar, in a message to Congress, congratulated them on the result, and on having chosen for the first offices of the Republic men who had deservedly obtained the esteem and confidence of the nation; and afterwards in replying to an address made to him at Carthagena on

the eve of his intended departure for Europe, by the Prefect of that Department, made use of expressions highly complimentary to Mosquera, describing him as a man 'adorned with all the civic virtues, whose administration would effect the re-establishment of the laws which he had studied with distinguished reputation.'

The last act of the Congress was the enactment of a decree tendering the gratitude and homage of the Republic to Bolivar, and bestowing upon him a pension of thirty thousand dollars per annum for life, commencing at the period of his retirement from office. The Congress then adjourned, and by that act took from Mosquera the power of declining the Presidency, as was his intention, which by the Constitution could only be done in the presence of the Congress. By a communication, dated the 14th of May, the President elect adverted to this fact, stating that he should have resigned had the Congress been in session to receive his resignation, believing himself inadequate, both physically and morally, to the duties of the office. As it was, however, he thought himself bound to undertake it in obedience to the will of the people, and promised to devote his best energies to the promotion of the public good.

The time was prolific of difficulties and troubles; and the very commencement of Mosquera's administration was signalized by commotion. The battalion which at that time formed the garrison of Bogota, commanded by Colonels Maguerra and Cas-

telli, on the 7th of May, arrested those officers, placed themselves under the orders of General Porto Carrero and demanded of the Vice President, who was at that time Governor of the Province, their arrears of pay, amounting to seventy thousand dollars and money to defray their expenses to Venezuela, of which Province they were natives. It was said at the time and has since been repeated, that Porto Carrero was the instigator of this mutiny, and that he was actuated by a feeling of dissatisfaction because Bolivar was no longer in power; and the assertion has been in some degree confirmed by his subsequent conduct in uniting himself to Bolivar, with whom he continued until the death of that remarkable man.

The Vice President, having no troops under his control, was obliged to temporize, and sent to Bolivar, requesting his intercession with Porto Carrero, who had declared that he would obey no commands but such as should emanate from him. The Liberator declined to interfere, and the Vice President thus left to his own resources, succeeded in raising a body of about five hundred troops, which he placed under the command of General Urdaneta, and eventually quelled the insurrection without resorting to arms, partly by the demonstration of his power to resist their demands and partly by promises and the distribution of some money. The mutineers dispersed and joined the various bodies of soldiers that were collected in different Provinces; many of which gave strong manifestations of a disposition to

renew and increase the distractions that had so long embarrassed the Government and oppressed the people. In Venezuela in particular and in New Grenada, there were numerous chieftains, whose designs it was difficult to penetrate, but whose conduct was such as to excite suspicion and uneasiness in the minds of those who desired to see order and stability restored to the Government and the people. And it was apparent that the task which Mosquera, by his acceptance of the Presidential authority, had undertaken to accomplish, would prove extremely arduous.

On the 30th of April the Congress of Venezuela met in Valencia, and on the same day received from Paez a congratulatory message, in which he manifested the most favorable opinion of the re-establishment of public order and the advancement of the happiness of Venezuela.

The progress of public opinion in favor of the federal system, was still permanent and increasing. On the 13th of May, Quito, the most populous city of Colombia, and the capital of the department of the Equator, declared itself in favor of this system, and its example was followed by Guayaquil and Azuai, the other departments of the south.

General Flores, who was in command of the department of the south, lent them his assistance, and was appointed interior chief of those departments, until the meeting of Congress to constitute them into a separate state, and the formation of a federal form of government. This movement in

Quito occurred before the result of the deliberations of Congress on the subject of the Constitution was known, and seems to exhibit the strong opposition existing throughout the country to a central government. A letter from Bolivar announcing his intention of embarking for Europe, had a powerful influence on the conduct of Flores. Flores knew the sentiments of the people of the south — that they were opposed to a central form of government, and that it would be impossible to obtain for it support, without the effusion of much blood, and a civil war with Venezuela. The letter of Bolivar, freeing him from the trammels of previous engagements, left him at liberty to pursue the course his inclination dictated, and he yielded to the popular impulse of the country in which he was, and in which his interests were identified by marriage with a young lady of one of the most distinguished families in Quito.

We come now to the conduct of Bolivar during this critical period of public affairs. After his retirement from the supreme command, he had, as we have before mentioned, taken up his residence at his country seat near Carthagena, and was understood to be preparing for his departure to Europe. Whether this was seriously his intention must remain matter of conjecture. The letter to Flores seems to prove it was, and another fact confirms us in this impression. Colonel Whittle was in garrison at Papayan with the battalion of Vargas. He was a devoted friend of Bolivar, having saved his life in the conspiracy of

the 25th of Sept. 1829, and was considered among his warmest partisans. This officer also received a letter from Bolivar, informing him of his intention to leave the country, and inviting him to accompany him, if it was his wish to leave Colombia. An understanding was immediately effected between Colonel Whittle and General Flores in regard to the popular movements, and a warm and efficient support was yielded by these officers to the federal cause. It seems unlikely that Bolivar should have thus influenced his friends to submit themselves to the new order of things, if it had been his intention to have remained in the country and resumed the supreme command. We believe it was his own wish and serious intention to have departed, and thereby relieved his country from the distraction caused by his presence. In this intention, Bolivar was actuated by an anxious wish to preserve the glories attached to his name; and it is to be regretted, that he should have yielded his better judgment to the desires of Mantilla and other partisan chieftains, who feared, with his departure a destruction of their own undeserved power.

Mosquera arrived at Bogota on the 12th of June and was received by all parties with enthusiasm. On the next day he swore to the Constitution and entered upon the duties of his office. His first public act was a proclamation or message, explaining his views and the principles which governed him during the short period of his administration. It was in these words:—

‘ Joaquim Mosquera, President of the Republic of Colombia to his fellow countrymen —

COLOMBIANS — The grand drama which we represent, is not for ourselves alone, but for all South America — a favorable opportunity is now presented to you of setting a great example of morality and virtue in the regeneration of Colombia — the destruction of anarchy, and the foundation of a government of laws, the only remedy against popular passions and the sole hope of liberty.

The Constituent Congress has afforded you the legal means of expressing the national will, through the medium of deputies of your own free choice.

The Liberator of Colombia has retired from among us, to calm the jealous friends of liberty, concealing his laurels, and removing every pretext for disorder.

In this important crisis, the representatives of the people have entrusted me with the provisional administration of the republic conformably to the Constitution to which I have this day sworn, and this is the point of contact which they have fixed on, by which we may procure a general concert for the salvation of Colombia from the dissolution which threatens her. I invoke my country and liberty to obtain your hearing. — Pure love of my country is the sacred torch which guides me, and you may ask all from a man like myself, taken suddenly from private life to be the sacred minister of your will. Express it then, as your honor, your glory, and the national interest command,

and the good of our country will be your work.

Citizens of all opinions, unite for the interest of our country. — The true friends of liberty are not those who seek for a constant necessity of change — let there be no new revolutions; and let the one already begun, be concluded. Colombians, we have yet time to preserve our glory and our political existence — let us give an example of order to the new states of our continent, and prove to our detractors, that we are not immoral men and not unworthy of being free.

JOAQUIM MOSQUERA.

Bogota, 13th June, 1830.

The Vice President, who had conducted the affairs of the government until the arrival of Mosquera, had made no change of ministry, but had retained in office all those who had filled the various departments of state under Bolivar; and Mosquera confirmed their appointments. They were Vicente Borrero, minister of foreign affairs; Alexandro Osoris, of the interior; Jose Gracio Masquez, of finances, and General Joaquim Paris, of war. The following persons composed the Council of State. The archbishop of Bogota, Don Felix Restrepo, General Jose Maria Ortega, Juan Fernandez, Soto Mayor, Manuel Benito Revallo, Modesto Lannea, Vicente Alvarez, Jose Joachim Almedo, Vicente Asuero, Diego Fernando Gomez, General Jose Fabrega, and Vicente Borrero, all sound patriots, and eminent for probity and talent.

The treasury was at this time completely exhausted and the government was moreover largely indebted to individuals, who had made loans to enable it to carry on its affairs. By the Constitution the executive was prohibited from making loans, decreeing contributions, or establishing new imposts; and it therefore became at once a serious question, how the expenses of the state were to be provided for. The utmost that Mosquera and his ministers could do, was to watch vigilantly over the expenditures, and to take the most vigorous and prudent measures to repress and prevent abuses and misapplications of the public money, which had existed to an alarming extent, and had in fact occasioned the want of means by which the new government was so much embarrassed. The President himself received no compensation for his services, and he exerted himself to the utmost to induce all the other officers of state and public functionaries, to limit their demands upon the finances of the republic to the smallest possible amount.

In the meantime, in the department of New Grenada, the Constitution was sworn to in most of the provinces, though with some opposition; and the people of those districts which refused to adopt the Constitution, were yet willing to support the government of Mosquera. On his part, he gave the discontented to understand, that unless the Constitution were respected, he would not be President; and sent commissioners to the various districts in

which opposition was manifested, to induce the people to follow the general example; and the efforts of his emissaries were in general crowned with success. Mosquera then directed his attention to the departments of Venezuela, and the South, where the dissent of the people was more resolute and more general.

The province of Casanare, of the borders of Venezuela, following the impulse of the revolution, had declared in favor of Venezuela, and had requested to be received as a component part of that state. The Congress of Venezuela had refused to admit this province, from a desire to preserve the friendship of New Grenada, and had offered to the government of New Grenada its good offices, to bring back this refractory province, by persuasive and indulgent measures, manifesting also its hopes that its adhesion would be easily obtained, after the fears caused by its separation should have disappeared by the establishment of a Constitution.

In the month of June, General Sucre was assassinated in the wood of Benuecos near Pasta, on his way to Quito from the Constituent Congress, of which he was a member. Pasta in 1822 had declared for old Spain. Sucre had received intimations from his friends that a plan for his assassination had been laid in Pasta, but he took no precautions to prevent it. His death was attributed to the liberal party, but it is more probable, that the assassination was the act of some of the people of Pasta, among whom he had many enemies, and whom he

had deeply incensed in 1822, when he took the place by assault and delivered it up to pillage. — Suspicion also fell upon Generals Ovando and Lopez, between whom and Sucre, hostility had for some time existed; but there is no proof of their guilt, and the act still remains a mystery.

The President Mosquera made great and strenuous efforts to detect and punish the assassins, but without success. Symptoms of revolt, or rather of disunion, had for some time past exhibited themselves in Venezuela and the department of the Equator. In the former, General Paez held the supreme command, and General Flores in the latter; and the movements of these officers indicated great reluctance on their part to the adoption of a Constitution and mode of government, which must necessarily have the effect of diminishing their authority and restraining their influence. Flores in particular appeared strongly inclined to erect his department into an independent state, of which he should be the head; and it was, not without reason, supposed that Paez was well disposed to imitate his example, should his undertaking prove successful. Mosquera exerted himself to the utmost to induce Flores to lay aside his design, and it is not improbable that he would have succeeded, if his administration had not in the meantime been so suddenly brought to its conclusion. In Venezuela, the repugnance of the people to the central system of government was extreme; and this feeling was very strongly displayed at the

meeting of the Congress of the department in July. The suspicions of the Venezuelans were also at this time, strongly excited against Bolivar, who was still at Carthagena, having apparently abandoned his design of visiting Europe, and who was vehemently suspected of an intention to assume once more, either by intrigue or violence, the supreme authority. Events appeared to justify their doubts of the integrity and intentions of the Liberator. Early in June several insurrectionary movements had been made in various parts of Venezuela, in all of which Bolivar was proclaimed, and the intention of the insurgents to restore him to the head of affairs was openly avowed; but by the energetic movements of the government, these attempts were suppressed without difficulty. But all these alarms had the effect of increasing the repugnance of the people to the constitutional or central system, which had originated with Bolivar, and of making them more than ever desirous of a separate independence. In the meantime troubles began to break out in the centre of the republic; in Bogota, movements in favor of Bolivar had taken place, and the military were dissatisfied with the pacific and moderate administration of Mosquera. But little confidence could be placed in any of the generals; and the government, without money, and doubtful of the fidelity of its military agents, had no support except the unarmed people, who desired nothing more than peace, tranquillity and security. In August, symptoms

of rebellion broke out in the capital itself, which were with difficulty suppressed by the prudence and firmness of Mosquera. In August an alarming conspiracy broke out in the battalions of Boyaca and Callao, under the command of Colonels Castelli and Simenes, who approached within two leagues of the capital, where there was not at the time a force sufficient to oppose them. Mosquera was extremely anxious to avoid bloodshed, and for that reason earnestly endeavored to prevail upon the insurgents to withdraw, and resume their duties. Negotiations were entered into between Urdaneta on the part of the government, and Castelli as the spokesman of the rebels, and continued through the greater part of the month; the demands of the conspirators were principally directed towards a change of the ministry; but it was obvious that their real intentions were to subvert the government and usurp the supreme authority. Mosquera and his counsellors resorted to every measure of conciliation that was consistent with the safety and dignity of the government, but without effect; and at last it became necessary to resort to arms. On the 26th, a column of the best troops in the capital, under the command of Colonel Garcia, advanced to meet the rebels, whom they encountered at a place called the Sanctuary, three leagues from the capital, where they were strongly entrenched. The attack was unfortunate in its results; the government troops were defeated with great slaughter; and the insurgents flushed with success,

marched upon the city with the avowed intention of taking it by storm. The number of troops remaining in the capital was but 600, and of these nearly 400 deserted or fled at the approach of the enemy. But two courses were left to the President; either to give up the city to the horrors of an assault, or to submit to necessity, and capitulate at once. He determined upon the latter, and appointed commissioners to treat with the insurgents for such terms of surrender as should secure to the citizens their lives and property. On the 28th, the conquerors entered the city without committing any excess, and Mosquera, looking upon their success as the triumph of a military faction, with which the civil power of the state was unable to contend, assembled the council on the 29th and declared the government dissolved.

The council earnestly advised and entreated the President to retain his authority, and continue to fulfill the duties of his exalted station; and Mosquera, though with great reluctance, consented to follow their advice, at least, until it could be ascertained what were the wishes of the people. Urdaneta, whose military reputation gave him some influence with the conquerors, was appointed Secretary of War in the place of General Paris, (who had retired on account of sickness) and was instructed to ascertain the sentiments of the soldiery, and their disposition to obey the existing government. On the 4th of September Urdaneta reported that the troops had represented to him

their unwillingness to submit to the authority of any government but that of Bolivar, whose recall to the head of the republic, they stated to be the wish of the people as well as of themselves. The report of Urdaneta was confirmed by Simenes the leader of the prevailing party, and Mosquera was distinctly given to understand, that nothing short of the reassumption of supreme power by the Liberator, would satisfy them. On the same day, Mosquera, finding that no alternative was left to him, resigned; and General Urdaneta was appointed temporary President, until the arrival of Bolivar, whose recall to power was decreed by a meeting of some of the soldiers and citizens.

On the 7th of September, Urdaneta wrote to Bolivar, informing him of what had taken place at Bogota, and calling upon him in the strongest terms to come and take charge of the government.

Bolivar consented to comply with the call of the people, and to take upon himself the office of the government, declaring, however, that it should be only until new elections could take place, when he should return once more to private life, from which nothing but the wishes of his fellow citizens could have induced him to remove.

On the 17th December, 1830, died General Simon Bolivar, the Liberator of South America. His character and services we shall hereafter fully examine; our present purpose is with the closing scene. Had Bolivar adher-

ed to his original purpose of leaving Colombia, his life might have been spared — his fame certainly — as it was, he died the chief of a party, in arms against the constitutional government of his country. Great allowance must be made on account of the discordant materials that he was obliged to bring into the government, and the character of the people by whom he was surrounded. Unused to popular forms, or to the peaceful administration of equal laws, they themselves formed a great obstacle to the establishment of republican institutions to be controlled only by public opinion. Still, with all these allowances, there is much which needs explanation in his political career, and the mystery which hangs over the latter part of his life, compels history to pause, before definitively pronouncing upon his character.

His death occurred at Cartagena at his country seat, where he had resided since his resignation of the supreme command. Every respect was paid to his

memory, and funeral processions were had in almost every town in the republic. His last proclamation to his countrymen evinced the most noble sentiments of patriotism, and it is deeply to be lamented that with the expulsion of Spanish power, and the formation of a free constitution, Bolivar, like our own Washington, had not at once retired to the shades of private life.

His will exhibits, what none ever doubted, his total disregard of fortune. Men like Bolivar are seldom governed by pecuniary motives, and it would have been far better for his country, if his disinterestedness had been equally exhibited, in his disregard of the temptations of power.

That we may form some idea of the state of parties of Colombia, we subjoin a statistical account of the population of the different Provinces and Departments of Colombia — considering as liberals, all who opposed themselves to the usurpation of Urdaneta, after the overthrow of the administration of Mosquera.

Departments.	Provinces.	Population.	Liberals.	Under Urdaneta	Under Espinar			
Orinoco.	Cumana.	70,000	175,000					
	Guayana.	45,000						
	Barcelona.	45,000						
	Margarita.	15,000						
Venezuela.	Caraccas.	350,000	350,000					
	Carabobo.							
Sulia.	Maracaibo.	48,700	162,100					
	Coro.	30,000						
	Merida.	50,000						
	Truxillo.	33,400						
Apure.	Varinas.	80,000	80,000					
	Apure.							
These four Departments formerly comprised ancient Venezuela, and now comprise the State of Venezuela.			767,1					
Equator.	Pichincha.	255,000	721,000	22,000				
	Imbubabura.							
Guayaquil.	Chimborazo.	90,000						
	Guayaquil.							
Asuai.	Manabi.	175,000						
	Cuenca.					78,000		
	Loja.					48,000		
	Jaen.					49,000		
These three Departments are those of the South, and are now constituted as a State under the name of the Equator.		520,000						
Cauca, since added to the Equator.	Popayan.	156,000						
	Buenaventura.	15,000						
	Pasto.	30,000						
	Choco.							
Cundinamarca.		721,000						
	Bogota.	172,000						
	Antioquia.	104,000						
	Mariquita.	45,000						
	Neiva.	50,000						
Boyaca.	Tunja.	200,000	12,000	425,000				
	Socarro.	159,000						
	Pamplona.	75,000						
	Casanare.							
Ystmo.	Panama.	50,000			90,000			
	Veragua.	40,000						
	Cartagena.	100,000						
Magdalena.	Santa Marta.	62,000	1,507,100	1,057,300	90,000			
	Mompox.	70,000						
	Rio.	7,000						

It appears from the foregoing, that the population under the sway of Urdaneta, consisted of 1,057,300 souls.

The population of the provinces which had separated from the central government, amounted to 1,507,100 souls. In addition is the population of the Isthmus under the administration of Espinar, which had declared itself in favor of Bolivar, and was equally opposed to Urdaneta and the liberal states, amounting to 90,000.

CHAPTER XIV.

BUENOS AYRES.

Condition of Country. — Civil War. — Retreat of Rosas. — New Government. — Pacification. — Viamont elected Governor. — Proceedings concerning Dorrego's Execution. — Rosas elected Governor. — New Disturbances. — Quiroga defeated. — Invasion of Cuyo. — Meeting of Legislature. — Condition of Country. — Monte Video.

THE history of the Argentine Republics was brought down in a previous volume of this Register, to the preliminaries of peace agreed upon on the 24th of June, in 1829, between the province of Buenos Ayres and those of the interior: General Lavalle being then self-constituted Provincial Governor of the former, and commander of its forces. The task of pacifying the interior was assigned to General Rosas. A brief narration of the events which subsequently happened, during the period of time comprehended in the present volume, is necessary to the execution of its plan. A more uninteresting detail, however, can scarcely be found in the annals of any nation, civilized or savage. The only historical lesson taught by it is, that a country cannot be tranquil, whose destinies are confided to ambitious military chiefs; and the only result of these events has been, that

Buenos Ayres and the formerly confederated provinces are in but a very little better condition now, as to the sound action of the government and laws, their social and moral improvement, and the regular operations of industry, than they were at the time to which we last brought up the record. General history will find little or no room for the particulars.

We must refer back a little in point of time, to preserve the chain of the narration. General Paz was at the head of the Unitarian party, opposed to the federalists of Cordova and Santa Fe, and had taken possession of the former city, from which Bustos retired on his approach, with about 800 men. Paz pursued him for some distance and returned. Bustos rallied his forces, and having joined General Quiroga, made his appearance again, with a force of 5000 men. Paz did not wait for a siege, but went out

to meet the enemy, and some severe fighting ensued, on the 22d and 23d of June, which ended in the total rout of the federalists; fifteen hundred of them being either killed or captured.

The news of this victory produced great sensation in the city of Buenos Ayres. By the Convention of the 24th of June, representatives for the Provincial Congress were to be elected with all convenient speed, and that body was to organize a permanent Government; on the formation of which, Lavalle and Rosas were to lay down their temporary authority. The hopes and pretensions of the Unitarians increased; and at the election held on the 26th July, Lavalle, by his influence, and the bayonets he commanded, carried everything his own way. Rosas saw, in the results of the election, no security for the fulfilment of the terms on which he had insisted on the 24th June, and withdrew with his troops to the distance of twenty miles from the city. His attitude was too formidable not to be respected; and new negotiations were commenced. To refer to the events in the order of their dates, on the 3d of August Lavalle issued a proclamation, stating that Government was determined to maintain the preservation of peace, and assuring the citizens that a renewal of civil war was not to be dreaded. The interior provinces, were, however, at that moment in a very unsettled state. On the 7th he announced the formation of an entirely new Cabinet. Manuel I. Garcia was appointed Secretary

of the Treasury; Thomas Guido, Secretary of State and of Foreign Relations; Manuel Escalada, Secretary of War and Marine (which office had been held by Rosas, under Dorrego) and I. A. Gelli, Minister of Police. Another proclamation promising security and tranquillity followed. On the 8th Rosas dismissed the several bodies of Indians who had acted under him, to their respective territories.

The language of the new ministers was of an encouraging character, though the Secretary of State candidly declared that, 'in a field covered with ruins, it would be difficult to avoid stumbling.'

By a new convention between Lavalle and Rosas, on the 24th, the elections of July 26th were declared void; and by an arrangement unintelligible to citizens who live under a pure democracy, General Juna Jose Viamont, an ancient officer of the corps of Patricios, and who had not meddled in these civil feuds, was placed provisionally at head of the Government of the Province; in war to be assisted by a council of twentyfour, a *senado consultativo*, selected from the most respectable owners of real estate, merchants and ecclesiastics.

Solemn *Te Deum* was celebrated at the Cathedral, for the termination of civil war. Congratulations on the return of peace were received from every quarter. The French Consul returned from Montevideo and resumed his functions. Lavalle was appointed by the new Governor

commander-in-chief of the cavalry troops of the line, and accepted the office. He shortly afterwards retired to Montevideo. Orders were issued prohibiting the use of fire-arms by citizens not in the municipal service. The prisoners who had been sent to Balina Blanca in the preceding March were set at liberty, and returned to the capital. So that in Buenos Ayres Proper and in Santa Fe, to which Provinces alone the new arrangement related, quiet was considered as being fairly established.

The deficit in the revenue of 1823 was ascertained to have been more than thirteen millions, while the amount collected during the same period was less than four. The governor was inducted into office on the 28th August. The installation of the senado consultativo took place on the 16th of September. Seventeen of the twentyfour members chosen were considered Federalists. It was hoped that Viamout, being a moderate man, would mediate between the parties; and in his inaugural proclamation, he declared his intention to bury past political feuds in oblivion, and to punish with all the severity of the laws, those who should violate them, or raise the cry of sedition.

The ministers before mentioned, and whom he retained, were also understood to be Federalists, but moderate men in their views and feelings.

Some clouds hung over the initiation of the new Government into its functions. Several of the members of the consultative Senate did not attend, and others,

under various pretexts resigned their places. This circumstance, together with another equally suspicious, which was, that the sittings were strictly private, diminished the public confidence in the stability of the new Government. The Council, however, elected a President and Vice President, and adopted measures in relation to the revenue, and the protection of the frontiers against the Indians. Their legislation had some effect in both instances, for the moment; as the value of ounces fell in the stock market from \$120 to \$92; and apprehensions from the inroads of the Indians were quieted by the organization of what was deemed a sufficient force, under General Paduco. The Secretary of State, wisely, at this period, besought the new Bishop of the Diocese of Santa Fe, to relieve the country from the inconvenience of the innumerable holidays, with which ecclesiastical shrewdness gratified constitutional laziness in Catholic South America, and makes idleness a work of holiness. We do not learn that the Bishop complied even nominally, with the request; and the evil still exists, and will exist, until the removal of the final cause.

An interesting communication was received about this time from the widow of the murdered Dorrego. The honor of representatives at a former period, had voted one hundred thousand dollars to him for the services he had rendered his country; and the existing Government honestly or from policy, being desirous of not participating in any of the stain of his execution, decreed the pay-

ment of stock to that amount, to his widow. She informed them that in the few hours between the intimation of his sentence and its being carried into effect, he had thought of his country and of the gallant army just returned from the Brazilian campaign; and had enjoined it upon her to put one third of the amount voted to him, at the disposal of the Government. The offer, however, was declined.

Acting further on this generous or politic principle, the Government passed a decree on the 29th October, directing the remains of Dorrego to be conveyed from the church of Navarro, where they had been deposited, to the cemetery north of the city of Buenos Ayres, where a monument was ordered to be erected to his memory. The removal and interment took place in December following with great pomp and ceremony, and nothing seemed wanting to the only atonement which could then be made, but the immolation of Lavalle to the manes.

A treaty of friendship and alliance, between the Provinces of Buenos Ayres and Santa Fe was ratified in October. Rosas and Lopez, the Governor of Santa Fe, were sworn friends. The treaty bound them to mutual protection against their neighbors, provided for the reimbursement of the expenses of the army under Rosas and authorized the Government of Buenos Ayres to transact all foreign affairs with European and American States. The Government of Santa Fe promised to procure the consent of the two

Provinces of Entre-rios and Corrientes, not only to obtain equal authorization in favor of the Government of Buenos Ayres, but also that they might be allied together by express compacts, and form one cause with the Province of Buenos Ayres, conforming themselves to its political and constitutional principles. The appearance of affairs thus continued to grow better. Justice obtained some of its legitimate victims, who had been guilty of assassinations. The foreign ministers resident in the city partook in festivities with those of the Government. A decree, however, prohibiting, under severe penalties, the publication of any remarks concerning the conventions of June 24th and August 24th, indicated a sense of insecurity.

On the 6th of December, Rosas was elected Governor and Captain General of the province of Buenos Ayres, by the House of Representatives, receiving thirty-two votes; there being only one against him. A Lieutenant Colonel, named Smith, had made an unsuccessful attempt to persuade the officers and men of his regiment to revolt, and join Paz in Cordova. The alarm created by the rumor of this transaction seems to have been the pretext for investing the new Governor with extraordinary powers. He was installed on the 8th of December, and issued proclamations to the citizens, to the army and navy, and to the militia. He retained Guido and Garcia in their respective appointments, and appointed I. R. Balcarce minister of war. He issued circulars to

the Governors of all the provinces, urging the importance of reunion, by every consideration of wisdom and policy. He alluded among other things to 'the severe neutrality of the first republic of this continent; and stated that a war of twenty years with Spain had not been sufficient to secure the political independence of the Argentine states; nor could it be secured without a strict federation. Rosas was considered a bigot, and the House of Representatives seemed disposed to favor his views by resolution against the extent to which freedom of religious opinion and worship had been previously tolerated in Buenos Ayres. The Governor was also solicited to open a correspondence with the Pope. The Press was put under most rigid restraints; and the accounts which the journals furnish of passing events, are of course meagre and delusive.

The majority of the people of Cordova, from inclination or fear, submitted to Paz, the usurping Governor, who was at this time at the head of 4000 men, most of whom belonged to the militia. — The province was in a wretched condition, however, disturbed by the insurgent peasantry, with whom frequent skirmishes took place. A convention between this province and that of Buenos Ayres was published in January. A mutual co-operation against foreign invasion was agreed upon; and an alliance offensive and defensive, against the Indians, was entered into. The government of Buenos Ayres was also authorized, as it had been at the convention with Santa Fe, to transact

the business of the province in its foreign relations. The two governments invited those of the other provinces to convoke assemblies for the organization of the nation, as soon as internal troubles should have been quieted. But this consummation was far from being at hand. Quiroga had taken the field against Paz; and the latter availed himself, perfidiously, as is alleged, of an improper opportunity, to cut up the forces of his antagonist. Commissioners from Buenos Ayres, despatched to effect a pacification of the disturbances, according to the terms of the convention above referred to, were in Quiroga's camp, on the plains of Laguna Larga. He expected of course no immediate assault. His force consisted of 2300 men. On the 25th of February Paz came upon him by surprise, with 3200, and, after six hours' engagement, 1000 men were killed or missing, and all the baggage, infantry, and artillery of Quiroga, were captured. His cavalry was dispersed, and he betook himself to Buenos Ayres, where he was well received by the government party. Indignation was generally felt at the conduct of Paz, and a rupture with Cordova was anticipated.

The Unitarians however exulted in the success of Paz. I has been mentioned that Lavalle retired to Montevideo. He sent in his resignation as commander in chief of the cavalry, in no very respectful terms. Most of his party, on the establishment of Rosas in the government, left the city in disgust. They complained loudly of the weakness of the

administration. Instead of ordering the election of a new legislature, the government had reinstated the old one, whose acts had been specially displeasing to the Unitarians. The funeral honors decreed to Dorrego, the re-establishment of intercourse with the Pope, and the legislative suppression of all writings printed during Lavalle's continuance in power, criticising the acts of the now dominant party, were all equally offensive to that which had been ejected from power. Many of them, in consequence, joined Paz in Cordova.

Some of their complaints seem not to have been unfounded. — Rosas certainly carried it with a high hand, in relation to them. — By a decree, dated March 13th, it was declared that 'Every person who might be publicly considered as author, abettor or accomplice of the affair of December 1st, 1828, (the date of Lavalle's usurpation) or any of the outrages committed against the laws by the intrusive government, and who had not given and should not thenceforward give unequivocal proof that they viewed such proceedings with abomination, should be punished as guilty of rebellion.' — And the decree went on to enact, that 'All persons who either by word or writing, or in any other manner, should manifest themselves in favor of the said meeting of December 16th, or any of the aforesaid outrages, should be equally punished.' Despotism cannot go farther than to attempt a suppression of the privilege of speech; and despotism itself cannot effect it.

In reply to a communication from Paz, giving an account of his defeating Quiroga, in which the blame was of course laid on the latter, an answer was despatched on the 16th March by the Buenos Ayrean government. The efforts it had made to prevent the further effusion of blood, and the expectations it had cherished from the mission of the commissioners, charged to mediate between all parties, were set forth; and the hope was expressed that the affair of the 25th February might be the last, in which Argentine blood would be shed by fraternal hands.

The hopes of the Unitarians generally became stronger. Several of the interior provinces were understood to be in their favor. — Santa Fe, however, remained faithful to the convention; and Corrientes, Entre Rios and others, were relied upon by the party in power. Paz followed up his victory, by despatching a part of his forces against the province of Cuyo. Their commander, Castillo, occupied the fortress of San Luis without difficulty, making its governor and garrison prisoners. He was moving on Mendoza, when he was met by a deputation of the government of the province. A treaty of peace was set on foot, but its ratification was interrupted. The Governor retreated with the forces he had at command, amounting to 700 men. A new governor was named; but a large number of the inhabitants not feeling safe in any event, attempted to escape into Chili. Many were interrupted at the passes of the

Cordilleras, by a detachment of troops, and made prisoners.

The Chamber of Representatives met pursuant to adjournment in Buenos Ayres, on the 3d of May. The governor informed them, that, during their brief recess, the foreign relations of the country had remained *in statu quo*; that though the government had vainly used every effort to prevent the effusion of blood in Cordova and Cuyo, its zeal was not diminished for the attainment of peace, nor would its exertions be relaxed. As to the revenue, it was frankly admitted, that very great sacrifices must be made to put the credit of the country on any tolerable footing. The depreciation of the despised currency paralyzed industry, and menaced the community at large with hopeless distress and embarrassment.

The Chambers passed a law prohibiting the exportation of coin and bullion, which had a partial effect in lowering the difference of exchange. The actual value of the currency of the country, at this time, may be estimated from the fact, that flour of inferior quality was sold at \$70 the barrel. — Higher duties were laid on several of the most important articles of importation. Trade, notwithstanding, continued in a most languishing condition, and very few American vessels visited the port. The Governor made a tour in the interior, for the purpose of inspecting the state of the country. Deputies were appointed by the provinces of Buenos Ayres, Entre Rios,

Corrientes and Santa Fe, to settle definite terms of peace and alliance between them, and strong hopes were entertained of their successful negotiation. New troubles and rumors of insurrections, however, arose, which induced the legislature on the 21st of July, again to invest the Governor with extraordinary powers, to continue during the existence of the crisis. Corbolan, the ex-governor of Mendoza, made an attempt to retake that city, and his force was entirely cut up by the Indians. He was slain, with nearly all his principal officers. But we have reached the limits assigned to the present barren record. — Since the memorable July of this year, the attention of the world has been occupied with far more important events than the comparatively petty affairs of the Argentine provinces. We cannot but hope, however, that the influence of these events may be salutary as regards them; and that in the general advancement of the cause of freedom, they may become enlightened enough, not only to understand but to act upon the principles, that in union alone there is strength, and that civil liberty cannot be enjoyed under the sway of priests and generals.

In the state of Monte Video, during the period we have passed over, Rondeau the Governor, was deposed by a movement excited by his improper trafficking with ambitious men. A new constitution was adopted, which was guaranteed by Buenos Ayres and Brazil, and was sworn to in July.

CHAPTER XI.

FRANCE.

Vicissitudes in France. — Polignac Ministry. — Public Opinion. — La Fayette in Lyons. — Breton Association. — Parisian Cafes. — Pamphlets. — Journals. — Journalism. — Comite Directeur. — Jesuits. — State of the Question. — Meeting of the Chambers. — Character of Parties.

IT has been the destiny of France, during the last half century, to fix the attention of the world by alternate scenes of degradation and glory ; by astonishing vicissitudes of political condition ; by the commission of the darkest public crimes, and by the exhibition of magnanimity and of enthusiasm in the pursuit of great national objects, seldom surpassed ; and as the theatre in short, of those events, achievements, sacrifices, and revolutions in human affairs, whereon history delights to dwell. The incidents of 1830 have added another chapter of deep and absorbing interest to her already wonderful annals. Since the second Restoration, a period of comparatively long tranquillity, both internal and external, had elapsed, when the Revolution of the Three Days, and the subordinate events which preceded or accompanied it, came to interrupt

the protracted calm and monotony of affairs, in the bosom of that people, so habituated to the contemplation of the most exciting changes, the most extreme and violent vibrations, in the combinations of its political condition. Tranquil the period may well be called, for France, which at home saw nothing more important than the assassination of a prince of the blood, the descent of the crown in the regular order of hereditary succession, an occasional uprising and consequent *fusillade* of the uneasy spirits among the people, the suppression or re-establishment of the liberty of the Press, the disbanding of the National Guards, a contested election, the funeral of a Manuel or a Foy, stormy discussions in the Chamber of Deputies, or capricious shiftings of the ministerial portfolios from one to another of the unstable tenants of office : and which

abroad saw nothing more important than the unopposed invasion of Spain, or the bloodless occupation of the Morea. In our own fortunate, peaceful, and prosperous land, where the stability and quiet of a happy form of government and of wise laws prevent the frequent occurrence of those profoundly interesting events, which electrify mankind, such things could not pass without filling a space, by no means insignificant, in our annals. But in France it is otherwise : for what is a change of ministry, compared with a change of dynasty, the abolition of a law to the abolition of a constitution, the dispersion of a handful of turbulent students to the defeat of a noble army, the demise of a king to his dethronement, the doating ineptitude of a Louis or a Charles to the sublime aspirations and splendid errors of Napoleon? And the inglorious chase of the unresisting Constitutionalists of Spain — how little worth it could be to men, who had participated in the magnificent triumphs of Marengo and Jena, or the bloody reverses of Leipsic and Waterloo! But animation and vicissitude and preparation and anticipation have once more regained their sway over the course of public affairs in France, and by consequence in the rest of Europe ; and in resuming our narrative, we enter upon the record of events, which do not yield in importance or interest, to those which signalized the days of the Republic or the Empire.

We closed the history of France for 1829 with an account of the formation of that ministry, which,

in the brief period of eleven months from its appointment, was destined to overthrow the throne they were designed to strengthen and confirm. M. de Polignac had been transferred from the court of St James to the hotel of Foreign Affairs and invested with the responsible control of the government, first, as minister merely, and afterwards as President of the Council, in order to gain a name synonymous with incapacity as a statesman, and fatuity as a man. His associates were either, like MM. de Bournont and La Bourdonnaye, the most supremely odious individuals in France, in the estimation of the great body of the Nation ; or like MM. Courvoisier, Chabrol, and Montbel, and M. Guernon de Ranville, who soon took the place of La Bourdonnaye, were chiefly distinguished for their known or supposed devotion to the cause of ultra-royalty and the *parti-prêtre*. Such was the Cabinet, consisting of names in part but too notorious at the present hour, whose organization signalized the latter part of the year 1829 ; and it was received with those ominous and threatening bursts of public indignation, which clearly indicated an approaching crisis.

If the Chamber of Deputies had been at this time in session, the Opposition would, of course, have chosen that as the theatre of their resistance to the new Cabinet, and the voice of France would there have been heard on this momentous subject. But Charles and his *Camarilla* had purposely selected this moment for a change of Ministry, in order to give the

new Ministers time to mature their plans, and if possible acquire firmness in their places, before they should be called upon to face the Chamber of Deputies. If the opinions of the leading men of the Nation had not been long before fully made up, if the People themselves had stood in need of any regular and responsible concentration of public opinion for their information or guidance in this emergency, the King would have derived great advantage from this arrangement. For it is to be considered that France, with its thirty millions of inhabitants, possessed but one popular assembly, but one body in which the great intelligences of the times could in their own persons address the language of warning or persuasion to their fellow citizens. Provincial bodies, analogous to our state legislatures, unfortunately it had not; for, by a political oversight of the most fatal character, the ancient provinces, which at the Revolution offered so favorable a basis for a Federal Republic, had been sedulously and anxiously melted down in the revolutionary crucible into one homogeneous mass. Political meetings of an occasional nature, suited to the expression of opinion concerning the administration of public affairs, were either contrary to the laws, or unsanctioned by the usages of the French. The Press remained, and the Press alone, as the direct and legitimate channel for communicating to the People at large the views and feelings, the hopes and apprehensions, of the master-minds of the Nation. Happily the Press, that potent engine of pub-

lic movement and impulse, was at this time free, and was thus enabled to utter the decisions of the national will, and invoke the friends of liberty and order to stand fast each by the other in the great catastrophe that seemed impending. In what manner the Press discharged this most sacred duty we shall presently see; but that it was not the Press, which created the public excitement immediately consequent on the appointment of the Polignac ministry, is satisfactorily proved by the reception given to La Fayette at this period, in the south of France.

Since the Revolution of the Three Days, so many personal details and anecdotes in illustration of that event have been spread before the world in the newspapers, that all men now understand the elevated position occupied by General La Fayette in his own country. They have seen the extraordinary influence exercised by him, a simple Deputy, in giving direction to the march of opinions and of action. It was the accumulated result of reiterated acts of lofty patriotism at home, brightened by the reflected splendor of his illustrious reputation in another hemisphere. He had returned to France, after the American war, the youthful hero of a new-born empire. With the characteristic ardor of his nature, he threw himself into that Revolution, which in its outset promised so much for the lasting good of France. When bad men seized upon the helm of state, and La Fayette was compelled to fly from a country reeling with the wild vertigo of revolutionary mad

ness, he became the martyr of liberty, as the prisoner of him, who worthily rules the Croats and Huns on the borders of European civilization ; — of him, who, not content with the infamy which attached to the name of Austria, as the kidnapper and base jailer of Richard Cœur de Lion, suffered that name to be in like manner disgraced once more, by repeating the same petty outrage against the laws of hospitality and honor in the person of La Fayette. When restored to personal freedom and to his country, he proudly and conscientiously refused that homage to the victorious child of the Revolution, which many an *émigré* professor of ultra royalism had condescended to pay, but which La Fayette could not bestow even upon the ‘ great Julius’ when ‘ false to Rome.’ Consistent in his untiring zeal for national liberty at the latter epoch of the Restoration, he of course earned the honor of being hated by the Bourbons in proportion as he was beloved by France. Meantime he revisited America, and retrod, in one continued ovation, — such as never royal progress or march of oriental pomp had exhibited, — the scenes of his early usefulness and glory. Bringing back to his native country a treasure of heartfelt blessings and heaped-up tokens of eternal gratitude, to show the world how republicans loved to honor their benefactor, he reappeared among the children of young France as the patriarch of the revolution, holding in 1829 the liberal opinions of 1789, unshaken by misfortune or change, and standing as it were the im-

movable god Terminus, to indicate the limits between liberty and despotism.

Such at this moment was the general position of La Fayette, such his absolute popularity as an individual. His intimate connexion with America was incidentally the occasion of a considerable enhancement of the charm attached to his name. Col. Le Vasseur’s Journal of his patron’s visit to America had recently been published, and was eagerly read and greatly admired, as well for its own intrinsic merits, as on account of the flattering picture it gives of the political condition of the United States. We in America, who judge of this work in the translation, and who are familiar with all the subjects it discusses, cannot fully appreciate the excellence and value of it as composed for the meridian of France. The highly talented and most estimable author of the Journal, who courageously perilled his life in the combat of the Three Days, and bore off in honorable wounds the brave man’s badge of glory, wrote the book for France, who needed the examples and information it contained, not for America, who already possessed them in all their original fullness. This publication therefore so opportunely made, while it directly added to the celebrity of La Fayette, operated in the same way indirectly, by reviving the sympathies of enlightened Frenchmen in the prosperity of republican America, and gathering those sympathies around La Fayette as the visible representative of transatlantic freedom.

These explanations are necessary to the understanding of the fact we are about to relate ; at the same time that they will serve to elucidate the deference paid to La Fayette, as we shall hereafter see, in the preparation and accomplishment of the revolution of the Three Days. When the ordinances nominating the new Ministers appeared in the *Moniteur*, La Fayette was on the way to the south of France, to visit his patrimonial estates in his native province of Auvergne, which had been restored to him under the law of indemnity ; and his journey was extended to the delightful residence of his grand-daughter, Madame Adolphe Perrier, amid the rich valleys of Dauphiny and the Isère. Nothing, except the circumstances of his welcome to America, could exceed the enthusiasm with which La Fayette was *fêté* by the inhabitants of the towns through which he passed. The people seized with extreme avidity upon this occasion for testifying their admiration of a great man, and their sense of the actual complexion of the political affairs of the country. The occasion was most auspicious in both respects.

Thirtyeight years had rolled rapidly away since La Fayette was last among them ; and what a mighty mass of overpowering reflection belonged to that period in the flight of time ! The bright hopes of the first constitution, the lurid splendors of the Republic, the maddening excitements of the Empire, the two Restorations with all their train of humiliating consequences, arose in quick succes-

sion before the imagination. — Louis XIV., the rash tribunes of the Republic, Napoleon, and another Louis, had all passed off like a dream, and the contest for the secure possession of constitutional freedom, formerly waged by the people of 1791, was now, after so many bloody but fruitless sacrifices, renewedly waged by the people of 1829 with untiring resolution and pertinacity. There lived a man, bearing the name of Charles Capet, and the title of King of France, to whom the dreadful lessons of the age seemed as water spilled on the ground, or seed scattered on the surface of the ocean ; and who in sight of the red soil of the Place de la Révolution on the one hand, and the bronze columns of the Place Vendôme on the other, was meditating to deprive France, as she believed, of the liberties dearly bought with her blood. La Fayette, the champion of freedom in 1791, reappeared among them again, the champion of freedom in 1829 ; and he seemed as one risen from the dead, the resuscitated memorial of a by-gone era, a *revenue* from among the beatified spirits of the early days of revolutionized France, come to encourage the zealous, to fix the wavering, to stimulate the phlegmatic, and to deliver a mission of gratulation and hope to a regenerated race. What fitter opportunity could be found for speaking out the universal indignation felt by the people at the appointment of a ministry, whose very existence in office they considered as a declared conspiracy against the Charter ?

Accordingly, every conceivable demonstration of popular regard was lavished upon La Fayette. — His reception in the great city of Lyons may be taken as an example of the enthusiasm which animated the friends of liberty. He was escorted into the city in triumph; illuminations and processions honored his arrival; a magnificent dinner was given him, which several distinguished patriots attended; and the toasts and speeches pronounced at the dinner, were proclaimed in every corner of France, by the thousand tongues of the newspaper press, and in myriads of small pamphlets purposely printed to be widely circulated among the people. La Fayette and his friend, in their speeches, denounced the new Ministers as the enemies of their country, placed in office by the King as the first act in a systematized design for arbitrarily effecting a total change in the Charter, and circumscribing the rights of the People; and the speakers boldly and confidently declared that France never would and never could submit to such usurpation, but was ready to maintain by force the integrity of the Charter. The Ministers interposed all the obstacles they could devise in the way of this continual demonstration of public exultation, but were wholly unable to prevent its taking place. The vexation and annoyance it occasioned them was excessive, and they displayed the most petty and pitiable resentment in their attempts to check, disparage, or punish the enthusiasm of the People. They removed, for instance, the mayor of Vizille on account of

his participation in the solemnities and rejoicings in honor of La Fayette; but unfortunately, when the appointment of a successor came up for consideration, no inhabitant of the place, qualified by law, could be found, who had not committed the same unpardonable sin, which occasioned the removal of the late mayor. In short the people had now acquired a vent for their feelings, a channel for pouring out their sentiments of contempt of the Bourbons, their indignation at the appointment of an anti-constitutional ministry, and their devoted attachment to the Charter and the great principles of the Revolution. And the King, if possessed of the ordinary discernment and understanding of a child, when he witnessed the loud, general, and spontaneous burst of inflamed feeling, which greeted the accession merely, of Ministers of obnoxious political principles, might have anticipated the explosion to be produced by any open violation of the Charter.

Meanwhile, a measure of opposition and of anticipated security against usurpation was adopted, which perplexed the Government still more than the manifestation of regard for La Fayette, because it was a direct attack on the march of the Government itself. Apprehending, with what reason we shall see hereafter, that the Ministers intended to violate the Charter, that a part of the scheme would be an arbitrary change of the Chamber of Deputies, and that the taxes must of course be voted by such an unconstitutional Legislature, or else levied by royal ordinance without any pretence

of regard for the forms of the Charter, the people immediately saw that the taxes afforded a point of legal and peaceful resistance to the Government, of the most advantageous description. It was plainly impossible for the Ministers to proceed with the affairs of the kingdom without pecuniary resources, either in imposts or loans; and the latter could never be obtained unless with a prospect of repayment by means of the former, or some mode of permanently binding the Nation to their reimbursement. If the constitutional representatives of the People were deprived of their proper influence in the Government, as regularly exercised in the grant of supplies, the People themselves had the power to redress the wrong by refusing to pay any tax unlawfully imposed on their estates. The idea was deemed a happy one for the liberal and national party, as it was a dangerous one for the Ministers; and a plan was immediately arranged and put in operation for the accomplishment of the desired object, which, from being first adopted by the landholders of the old province of Bretagne, became known by the name of the Breton Subscription or Association.

This Association had a twofold object. They proposed in the first place to refuse to pay any illegal tax, and in the second place to raise by contribution a common fund for indemnifying any subscriber, whose property or person might suffer by reason of his refusal. An article of the Prospectus explains the plan in the words of the projectors. —

‘The Subscription will form a fund common to Bretagne, destined to indemnify the subscribers for the expenses which they may incur in consequence of a refusal to pay public contributions illegally imposed: whether without the free, regular and constitutional agreement of the King and the two Chambers, in conformity with the Charter and existing laws, or with the agreement of Chambers formed by an electoral system, which shall not have been voted according to constitutional forms.’

The scheme appears to have been a perfect one, as the means of peaceable resistance to any arbitrary acts of the Government. If generally subscribed, the prospectus would have the effect of combining the whole Nation in a lawful confederacy to sustain the Charter in spite of the physical force which might be wielded by the King. For if a subscriber refused to pay his tax, the Government could but order a distraint on his property, and it was easy to foresee that this would not benefit the Treasury. The whole of the *classes industrielles*, the great capitalists and landholders, the possessors of the moveable riches of the country, were in general ardent friends of the liberal cause. If they enrolled themselves as parties to the Subscription, a distraint would avail nothing, because there would be nobody to buy the property distrained; and in such a state of things, with all the wealth and feeling of the Nation on one side, and nothing but a taxgatherer’s warrant on the other, M. de Polignac would be greatly puzzled, even if

aided by all the alchymy of the baron Rothschild and his brothers, to transmute into good current louis d'ors that all important portion of the annual budget of one thousand millions of francs, which consists in direct taxes. If, therefore, a more summary method of testing the strength of parties had not been adopted during the Three Days, it seems likely that the Ministry must have gone to shipwreck upon the shoals of the Breton Association; for subscriptions were extensively formed as well in the other provinces as in Bretagne.

A Prospectus of the intended Subscription was published at Paris on the 11th of September, in a zealous liberal newspaper called the *Journal du Commerce*, even before the formation of the Association. The Government professed to look upon the mere imputation of unconstitutional intentions, conveyed in the Prospectus, as an aggravated seditious libel and accordingly ordered the prosecution of M. Bert, the *gérant*, or responsible conductor of the *Journal du Commerce*. The ground of the prosecution was that the publication tended to provoke disobedience to the laws, and to bring the King's Government into hatred and contempt, by spreading a belief that the Ministers had conspired with him to overthrow the Charter. And although the editor was condemned, yet the principles assumed by the Court in giving judgment converted the defeat into a triumph. The Court decided that, as the acts intended to be guarded against would be unlawful in the highest degree, it was an outrage on the Govern-

ment to ascribe to it the intention of committing those acts; thus indirectly sanctioning the objects and principles of the Association, while condemning the publication of the Prospectus.

During the residue of the autumn, and until the announcement in January of the approaching assembly of the Chambers, no public event of such consequence transpired; but the discussion of the great political question now pending agitated all France. It is not true, as many English writers have supposed, that the great provincial cities of France are influenced solely by the movements of the Parisians. Lyons, Rouen, Marseilles, Bordeaux, and the other great cities, all possess their own opinions and feelings, which, in matters affecting the political condition of the country, have sometimes been in advance and sometimes in arrears of Paris. Still, as the permanent seat of the Government, as the great capital of literature and fashion, as the occasional residence of the men of wealth and influence from the provinces, and especially as the seat of an administration, which is in a remarkable degree centralized and organized into a regular subdivision and subordination of *bureaux*, and as the focus of the national intelligence and improvement, Paris, very properly, or at least very naturally, communicates an impetus and a tone to public measures in the various departments, and therefore seems to be the dictator of that national sentiment, of which she is merely the visible representative, the chosen mouth-piece,

and as it were the concentration and the collected essence. There, at any rate, the changes of political feeling are best observed and measured, and the opinions expressed there will be those of men possessed of the largest means of information and the most competent powers of judgment. In addition to the Court, the high functionaries of Church and State, the wealthy manufacturers, proprietors and bankers, the multitude of unemployed officers of the army, the men of science and letters attached to the various institutions of the metropolis, and the intelligent strangers attracted from abroad, are to be reckoned the large number of clerks and subordinate *employés* of the public offices or private enterprises concentrated in Paris. Therefore, in tracing the progress of opinion and events in France at this period, it will prove to be sufficient, in general, to draw our facts and inferences from the capital, as a fit barometer of the sentiments of the whole country.

Paris was, in fact, the place in which the Ministers themselves chose to discuss their own purposes, through that division of the press, which acted as their organ, and where of course the opposition exerted their greatest strength in the same way. During the last two years the Press having been free from the shackles of the *censure*, had spoken with a boldness and talent, especially in Paris, which had converted all men into politicians, and had rendered the perusal of racy political disquisitions one of

the necessities of life. The favored modes of living in Paris greatly facilitated the extensive circulation of the public journals, by spreading them before the thousands who frequented the *Cafés*, to which same end the establishment of numerous *Cabinets de Lecture* largely contributed. The number of places of refreshment at Paris, under various names, at which the journals can be read, is well known to be very great in itself, and they are scattered over every part of the city; being, of course, especially numerous in the Palais Royal, on the Boulevards, and in other quarters, where amusement or business attracts the greatest concourse of persons. But places for the sole purpose of reading the newspapers and other light periodical publications had been multiplied at the period in question, through the growing interest felt in the subject of politics, created by the progress of free discussion. These *Cabinet de Lectures* are a kind of reading rooms wholly unknown among us, being well suited to the exigencies of a numerous and unsettled population like that of Paris, and admirably calculated for their wants and tastes; but very different from the reading rooms which are found in our large towns, whether provided by editors of journals, private associations, or commercial and literary bodies of various kinds. The citizens or stranger, who enters the *Cabinet de Lecture*, pays a sous for the perusal of any paper he may select; and in the favorite promenades and public gardens, as in the Tuileries and elsewhere,

little pavilions are tenanted by individuals, who keep a collection of the journals to be let on the same terms. In addition, therefore to the ordinary means of circulating political disquisitions, which exist in other places, Paris possessed others peculiar to itself, which gave to the spirited and eloquent articles of the journalist a notoriety unequalled for extent and celerity of diffusion. The liberal party availed themselves of the facilities thus afforded, with consummate address and extraordinary zeal; spreading before the reading public, in pamphlets, newspapers, and larger *periodicals* an unremitted treat of the most *appetizing* ingredients; maintaining, in short, a war of argument, ridicule, and denunciation against the Ministers, to which, indeed, the latter responded, but with far less efficiency and ability, and incomparably less of influence on the minds of the People.

Foremost in violence of language and pungency of matter were innumerable pamphlets of various kinds, from the argumentative octavo down to the little five sous *brochure*, which made up in extent of circulation for what it wanted in dignity of form. Vituperative histories of the lives and past conduct of the several Ministers; sharp and bitter critiques on their speeches, writings, and state papers; denunciations of their character and purposes of the severest strain; pithy anecdotes and *bons-mots*, in short, every form of attack and annoyance, which the fertile minds and busy hands in the great literary workshop of Paris could devise and ex-

ecute composed the staple of the multitude of light publications. Being printed clandestinely and anonymously in many cases, and thus free from the responsibility, either to the laws or to good manners, which checked the boldness of the periodical Press, these pamphlets were often peculiarly daring and personal in assailing the royal family as well as the officers of Government. Such interesting works gave ample occupation to the presses of that very prolific and highly respectable firm, 'Les Marchands des Nouveautés,' whose publications might easily be found on the counters of the Palais Royal and in the Passage Colbert or Véro-Dodat, but whose printing office or study would be rather likely to elude observation.

It may well be supposed that in these *brochures* some Bussy-Rabutin would not fail to handle with little reverence the scandalous chronicle of the alleged tender interest of a certain Comte d'Artois in the Prince Polignac; that the English connexions, known English partialities, and supposed English dependency of the new Premier were blazoned in glaring colors; and that his want of capacity, his subserviency to the Jesuits and his hostile intentions towards the Charter, were held up to public scorn and indignation with all the warmth of enthusiastic but unscrupulous eloquence. The Comte de Bourmont presented another favorite object of attack, in which, indeed, his whole military and political life were treated with unsparing severity, but which aimed its

keenest shafts, of course, against his traitorous abandonment of the Nation prior to the battle of Waterloo:—For few, very few of his countrymen could be found, who did not view that act of double fa sehood, considering the precise moment when it was perpetrated, as treason to France rather than to Napoleon. During the few months he was in office, the Comte de La Bourdonnaye was equally loaded with obloquy for the extravagance and absurdity of his avowed political creed, as the *preux chevalier* of ultraism, the Don Quixote of the *extrême droit*, who had opposed M. de Villèle as almost a liberal, and M. de Martignac as little better than a jacobin. MM. Courvoisier, de Montbel, and Chabrol afforded fewer grounds of violent reproach than their colleagues; but they must have been more than human to have presented no weak point to the keen scrutiny of the wits of Paris, who knew how to depreciate and ridicule where they could not condemn. And we ought to remark, in this connexion, that the new Prefect of Police, M. Mangin, was *commemorated*, in these ephemeral publications, with more than his due share of bitterness on account of his zealous and uncompromising *Bourbonism*.

The productions of the graver and of the lithographic pencil might well have a place by the side of the foregoing skirmishers and light troops of political warfare. Indeed the lithographic press is going far towards operating the same revolution in regard to the art of engraving, that the printing press has in respect of

writing, having a similar, although not equal, comparative facility and cheapness in the multiplication of its productions. Of course, it is capable of no little efficiency as the vehicle for circulating impressions and sketches, and thus acting upon the popular mind. But the French are not particularly happy in the design or invention of political caricatures. In this particular they are greatly surpassed by the English, while the latter are immeasurably behind their national rivals in the composition of witty and well aimed controversial writings of a light character. If the stage had not been too directly under the supervision of the Police, the public feeling would have sought and found a ready utterance in the lesser theatres of Paris. Whenever a line occurred in Marino Faliero or the other current pieces of the day, which admitted of application to public affairs, the excitable spirits of the *parterre* were sure to single it out for their applause. But the Government jealously watched to prevent anything of a political tendency from being introduced on the stage. A trifling incident betrayed their sensitiveness on this point. The play of *Paul et Virginie* had been announced by one of the minor theatres, which little piece has among its *dramatis personæ* a man of the name of *La Bourdonnaye*. This was quite sufficient to awaken the apprehensions of the Government, who anticipated, perhaps, that the occasion might be embraced by some merrymen 'gentlemen about town' to exhibit marks of affection for the

ministerial namesake of Saint-Pierre's worthy governor; and *Paulet Virginie* was accordingly withdrawn and another play substituted in its place.

But we are to look to the political journals, as the most vigorous and efficient combatants in the war of words which raged at this time; and as they exercised great influence over the public sentiment during the whole period of the struggle between the two antagonist parties in the kingdom, and at the crisis of the Three Days acquired a direct historical interest in the Revolution, it is proper to enter here into some explanation of the condition of the Newspaper Press in Paris. It is not necessary to examine the legal questions and provisions relating to this head, any further than to state that, with the exception of certain preliminary forms attending the establishment of a newspaper, one of which was the very just one of giving responsible security to meet any claim of damages which might arise, the newspaper press was at this time substantially free in the same sense that it is in the United States. In giving such security, the editor of a journal was required to choose his vocation, for the reason that a political journal assumed liabilities of a different kind from those which attached to a *journal des modes*, a literary periodical, or a theatrical courier. And some of our readers may need to be informed that a much more complete subdivision and classification of the public journals exist in France than in England or America. Each *feuille* being small in its

dimensions, compared with ours, is usually appropriated, in a greater or less degree, to a single class of subjects, paying only incidental attention to others out of its main province, instead of presenting a comprehensive and universal epitome of intelligence, miscellany, and disquisition. Thus one division of the Paris journals is devoted mainly to the proceedings of the tribunals, another to the theatres, others to religion, to literature, to the fashions, to distinct departments of science and the arts, and so forth; and these, by the conditions of their authorization, abstain from entering upon the troubled sea of political discussion, unless they give security for that express object. It is customary, also, to issue sheets devoted altogether to advertisements, called *Affiches*; so that unlike ours, the popular daily political journals of Paris, such as the *Journal des Débats* and the *Constitutionnel*, contain but few advertisements, and a very large proportion of purely original matter, on political subjects. Of course, the whole system of the mechanical arrangements appertaining to the political journals in Paris is totally different from our own; and a popular *feuille* of that class, instead of being made up of a heterogeneous mass of public documents, laws, judicial proceedings, advertisements, and stale migratory extracts from other papers, is a valuable original sheet of political news and discussions, enlivened by the admixture only of such a portion of other interesting topics as may serve to give zest to the more solid contents of

the paper. They constitute a vehicle in which a man of standing and talent, an eminent statesman, a profound scholar, a peer of rank and lineage, may, without derogation from his character, communicate his opinions and views of public affairs to the People.

One of these journals, it is well known, is a sort of national fixture, a part of the machinery of the Government, which has altered its principles a hundred times in half a century without losing its consistency, and which, although continually changing, is always the same. The *Moniteur* is always the organ of the Government, just in the same way as the letters of the alphabet are the elements of speech; and the *Moniteur* feels no more personal responsibility (so to speak) for the sentiments it utters, than the alphabet does for the use we make of it in the intercourse of life. This journal performs a double duty, being, in the first place, the authoritative publisher of all government acts, such as royal ordinances, and the like, and being employed, in the second place, to defend or explain the doings of the Ministers upon information furnished by themselves for that purpose. It is an arrangement which seems to us to possess manifold advantages in this respect. It is highly desirable that a single journal should constantly appear at the seat of administration of a great country, for the information as well of its own citizens as of foreign nations. Great inconveniences ensue from the want of such a newspaper in those countries where the plan is

imperfectly carried into effect. In England, although the *Courier* was long the nearest accredited organ of the Ministers, yet it never was identified with the Government like the *Moniteur*, and on a change of administration has ceased to possess any particular authority. In the United States, the *Journal* has succeeded to the *Intelligencer* as the official paper, and the *Telegraph* to the *Journal*, and now again the *Globe* to the *Telegraph*, as the shifting tides of popular favor ebb and flow, and one party after another gains a temporary ascendancy at Washington. It would be infinitely better to imitate the example of the French, in order that all men, at all times and places, the citizen and the foreigner, the present generation and the future historian, might be able to recur to a single journal to obtain a sure exposition of the views of the Government itself and an authoritative record of its acts. It is no objection to this to say that the pages of the *Moniteur* exhibit principles of the most various and opposite character, and that so it is inconsistent with itself. So is the statute-book inconsistent; for this year it contains a repeal of the law which it promulgated the last, although its name remains unchanged. It is important now, it is desirable hereafter, to know what Ministers think, as well as what they do; and no permanent individuality of character being claimed by the *Moniteur*, no consistency is forfeited by its adopting the successive colors of the existing Government.

But while the Polignac Ministry found an advocate in the *Moniteur* as a matter of course, it relied upon other journals, the professed adherents of the royalist party as a party, and by consequence of the leaders of that party when invested with the direction of public affairs. It appears from some of the curious manuscripts found in the Tuileries since the expulsion of the Bourbons, that they very liberally employed the public money in the support of newspapers favorable to their cause, particularly at this contingency. No less than five millions of francs had been expended in the purchase of anti-national journals. *Le Pilote* had received four hundred and fourteen thousand four hundred francs; *Les Tablettes Universelles* three hundred and eightyfour thousand fiftythree francs; *Le Journal de Paris* nine hundred and eightyfour thousand nine hundred francs; *L'Oriflamme* four hundred and twenty-six thousand seven hundred fortyone; *La Quotidienne* four hundred and fortytwo thousand three hundred sixtyfour francs; *Le Journal des Maires* four hundred and sixtythree thousand five hundred francs; *La Foudre* forty-nine thousand francs; *La Gazette de France* three hundred and ninetyone thousand six hundred thirtythree francs. The Government was fully aware, no doubt, of the truth and justice of that principle which is laid down by Sir Francis North, who records of himself that, while other advisers of the Crown had urged prosecutions against those who libelled the Ministers, he proposed

ed the triumphant expedient of meeting the libellers on their own ground by means of talented writers employed to defend the Ministers. Prosecutions, he wisely remarks, only serve in such cases to give popularity and importance to obscure writers of pamphlets and newspaper paragraphs. Let the Ministers employ the same weapons of satire and argument in beating down the Opposition which the latter directs against them and their chance of success will in general be far greater than by filing criminal informations. M. de Polignac made use of both expedients, it is true, the latter as well as the former; and the royalist journals in his pay displayed as much acrimony, if not as much sincerity and talent, as their more numerous adversaries. Among the newspapers entitled to particular consideration as taking the royalist part in the great constitutional controversy awakened by the appointment of the new Ministry, the *Quotidienne* and the *Gazette de France* should be mentioned as possessing the respectability of established daily journals, having a name and reputation in the departments as well as at Paris. These two newspapers participated, it will be seen, in the pecuniary support directly afforded by Government to the ministerial section of the Press, and are therefore open to the exception of acting a mercenary part as the paid agents and advocates of the measures and the men they upheld. Still their patrons, supporters, and conductors were all of the royalist side from principle, or at least in principle; and they

undoubtedly maintained the same cause they would have done without any golden promptings from the Government.

It is perfectly notorious that vastly more of talent, standing, and intelligence was enlisted in the liberal journals, in the same proportion that the French Nation, and especially the ardent young spirits of the rising generation, were in a great measure heartily attached to the liberal cause, and either zealously opposed to the Bourbons, or at any rate determined to maintain the integrity of the Charter. In fact the *mind* of France viewed the contest as one between the Nation, and a single family, however the high ecclesiastics and the *émigrés* nobles might give seeming numbers and adherents to that single family. — When, therefore, we come to speak of the *Constitutionnel*, the *Journal des Débats*, the *Globe*, and other liberal papers, we have no longer to deal with mercenary clerks in the public *bureaux* writing up the reputation of their *chefs*, or humble Grub-street drudges, executing so many squares of newspaper articles according to order to earn their daily bread, or unprincipled hirelings laboring on through columns of vulgar ribaldry or blundering fatuity in support of a bad cause. It was the Constants, the Châteaubriands, the Jays, the Kératrys, the Guizots, the Broglies, and others of the great literary *illustrations* of France, who gave dignity and influence to the sheets of the opposition presses; although younger and meaner men were their *collaborateurs* and the responsible

editors of these journals; for who would not have been proud to act with such associates, in the furtherance of principles equally dear to the hearts of all? And although they differed in minor objects, some being for a Republic, some for the Charter as it stood, for Charles X., but with better advisers around his throne, and some for an amendment Charter, and another dynasty to wear the crown, yet all agreed in attachment to France, and hostility to M. de Polignac and his associates as the enemies of France.

When this administration came into office, five popular daily journals immediately and ardently arrayed themselves against it. — Two of these, the *Constitutionnel* and the *Journal des Débats*, had a wider circulation, and exercised a greater influence, than any other papers in France. — One of these, to be sure, spoke the well known sentiments of Châteaubriand, who, through all his active opposition to the Villèle ministry, and in his opposition to the Polignac ministry, retained his fidelity to the Bourbon interest, which, indeed, he has manfully acted up to since the Revolution of the Three Days. How far resentment against M. de Villèle may have influenced M. de Châteaubriand we pretend not to say; nor is it material, in considering the effect of his writings upon the popularity of the Government. — But the other, the *Constitutionnel*, entertained no scruples to prevent its entering thoroughly into the cause of the Charter and the People, at whatever risk to the Bourbons. Next to these in

credit were the *Journal du Commerce*, a paper conducted with great boldness as well as talent, and the *Courrier Français*. — The *Messager des Chambres* was originally established in favor of the Martignac ministry, but under new control now passed into the ranks of the Opposition.

Without undertaking to specify or characterize all the daily or other papers on both sides, which at this time existed, we mention two others that were distinguished for the efficacy of their paragraphs. One of these is called *Le Figaro*. The journals, which we have heretofore mentioned, are dignified gazettes of that class which must necessarily cultivate a certain degree of *retenu* and good manners in their style of discussion and the tenor of their articles. They contain powerful discussions of great constitutional questions; elaborate disquisitions on the state and prospects of the country; earnest appeals to the good sense, patriotism, and high feeling of the Nation; and attacks on the character, principles, and measures of the Ministers of a more labored and less unassuming nature. But the *Figaro* had no dignity to maintain, or *bienséances* to consult. Ridicule, sarcasm, cutting unsparing satire, wit in every shape, such are the weapons of the *Figaro*; and it must be confessed that, however light and superficial its articles, they were signalized by talent, spirit, ingenuity, and point, which made them often of more avail than the most eloquent effusions of the *Journal des Debats* or the *Constitutionnel*. And a miscellaneous Sunday jour-

nal, denominated the *Courrier des Electeurs*, acted its part very efficiently, by exhibiting, often in light spirited articles, equal hostility against the Ministers. An example will best illustrate the nature of these little paragraphs. 'On construit,' says the *Courrier des Electeurs*, 'en ce moment des voitures, qui feront la route de Paris à Bruxelles, et qu'on appellera *Bourmontaises*;' alluding to the familiar carriages of Paris called *Ecossaises*, *Béarnaises*, &c. Again, says the *Courrier*: 'On vend au Palais Royal un grand nombre de tabatières sur lesquelles est représentée la Sainte Cène de Paul Veronese, avec ces mots au bas: En vérité je vous le dis, l'un de vous doit me trahir. On les appelle *boîtes à la Bourmonte*.' Another paragraph states the amount of his appointments in these words: 'Tarif de la Fidélité. Bourmont recoit pour les services qu'il a rendus dans la journée du 16 Juin, 1815, un traitement annuel de 163,100 francs, savoir, &c, &c. — Pour sa part de l'indemnité, lui, général de la Chouannerie et de l'Empire, il a touché 106,871 francs.' We give these extracts, not as specimens, but as examples, of the style and spirit of the unceasing storm of political missiles, that were thus showered upon the new Ministers.

Leaving out of consideration the *Pariser Zeitung* and Galignani's Messenger, papers printed one in German and the other in English, and the latter with an evident leaning to the popular cause, we see that the majority of the journals in number, and at the same time the most ably conducted,

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were opposed to the Ministers. — At the same time, the increasing fermentation of the public mind, the apprehension universally entertained of an approaching crisis, and the enthusiastic ardor, of the young politicians of the day led to the establishment, in the course of a few months, of several new papers, which outstripped the older Journals in boldness, and have acquired a lasting reputation by the events of the Three Days. — Such are the *Temps*, the *National*, and the *Révolution*, — journals whose names are sufficiently indicative of their character. They started into being amid the concussion of passions and opinions, ‘to share in the glory and danger of the struggle;’ and threw themselves into the contest with a fearlessness and a violence of spirit, which nothing but the extremity of the public exigencies could have called for and justified. — And in the course of the winter the *Globe*, a philosophical and literary journal, distinguished by the contributions of M. Guizot and the Duc de Broglie, quitted its academic walks to engage in the agitations of the forum. In short, an extraordinary combination of ability and zeal was now exerting itself through the liberal press, having for its professed object the maintenance of the Charter, but apparently aiming at, or at least countenancing some ulterior object; thus constituting a new power in the nation, which the royalist party designated by the name of *Journalisme*. In fact *Journalisme* and the *Comité Directeur* formed at this period the bugbear of the royalists, as the

Congrégation did that of the liberals. It is presumable that neither party was entirely mistaken in ascribing influence to these mysterious abstractions; and that they were not mere phantoms of the imagination, conjured up by excited feelings in the murky atmosphere of civil discord.

Journalisme, it is plain, was no imaginary existence, but a potent and terrible engine of the times, which might well awaken the dread of an interested party, or of anti-national Ministers. The periodical Press was anything but a phantom. It was the Nation declaring itself against the King, and against his policy, his measures, his principles, and his advisers. — Without referring to any inferior authority, we will quote, from the celebrated Report of the Ministers themselves, their views of the influence and tendency of *Journalism*. ‘It would be denying what is self evident,’ they say, ‘to refuse seeing in the journals the principal focus of a corruption, the progress of which is every day more sensible, and the first source of the calamities which threaten the Kingdom. Experience speaks more loudly than theories. Men who are doubtless enlightened, and whose good faith is not suspected, led away by the ill-understood example of a neighboring people, may have believed that the advantages of the periodical Press, would balance its inconveniences, and that its excesses would be neutralized by contrary excesses. It is not so: the proof is decisive, and the question is now judged in the public mind. — At all times, in fact, the periodical

cal Press has been, and it is in its nature to be, only an instrument of disorder and sedition. * * * It endeavors, by constant, persevering, daily-repeated efforts, to relax all the bonds of obedience and subordination; to weaken all the springs of public authority; to degrade and debase it in the opinion of the People; to create against it everywhere embarrassment and resistance. Its art consists not in substituting for a too easy submission of mind, a prudent liberty of examination, but in reducing to a problem the most positive truths. Not in exciting upon political questions frank and useful controversy, but in placing them in a false light, and solving them by sophisms. The Press has thus excited confusion in the most upright minds, has shaken the most firm convictions, and produced in the midst of society a confusion of principles, which lends itself to the most fatal attempts. It is by anarchy in doctrines, that it paves the way for anarchy in the State.' Such is the view taken of the character of *Journalisme* by the Ministers; and it is evidently a false one; for it is nothing but the case made out in all ages by the few, who have violently possessed themselves of undue power, in opposition to the many, who are continually seeking, by peaceable means if they can, by forcible if they must, to restore the equality of political rights, which the God of Nature and of Christianity bestowed on the human race.

In fact, it is not so much the periodical Press, as it is the art of printing, or rather the faculty, of thinking and writing, whose use-

fulness the French Ministers would thus impugn. Tyranny and bigotry have always had their grudge against the press; and MM. de Polignac, Montbel, and their associates, were not singular in their unfavorable estimate of its tendency, as an agent to spread abroad the impressions, operations and results of mind. We should be departing from our present purpose to argue the various questions growing out of this subject; and to argue the general question in the United States, would be as idle a task as to inquire whether Washington was a great man, Franklin a wise man, or Arnold a bad man. America settled all those points, to her own satisfaction at least, if not to the satisfaction of the monarchs and their ministers in Europe, soon after the year 1776. We confine ourselves, therefore, to the remarks necessary to disposing of this matter as *an important fact* in the late affairs of France.

M. de Polignac's position is that 'at all times the periodical Press has been, and *it is in its nature to be, only* an instrument of disorder and sedition,' and this we say is entirely false. Was the periodical Press 'only an instrument of sedition' under the paternal guidance of the *censure* in the reign of Louis XVIII.? Was it only an 'instrument of sedition' in the reign of Napoleon, when it very judiciously, and complaisantly uttered what he directed, and loyally supported the most legitimate of Emperors, him, who carved out his own empire with his own good sword, instead of deriving it from the accident of parentage, or by

transmission through the vulgar channel of birth? Is the *Gaceta de Madrid* or the Austrian Observer 'only an instrument of sedition'? We fancy that all the sedition which these pliant 'instruments' of power excite, arises out of the disgust and recoil which their subserviency awakens in the breasts of the friends of justice and liberty. Nay, to come directly to the very case itself, was *La Quotidienne* 'only an instrument of sedition'? Was *Le Drapeau Blanc*? Was *L'Oriflamme*? If either of these journals furthered the cause of 'anarchy,' or served as a 'focus of corruption,' it certainly was no want of good will to the descendants of Saint Louis, or of zeal in support of the 'divine right' of kings, which subjected them to such ungrateful reproof at the hands of Charles Dix.

M. de Polignac's primary error, therefore, consists in attributing to the whole periodical Press that character which could only be pretended, upon his own premises, of that portion of it which professedly acted in defence of the Charter. If the newspapers, on that side of the question, were comparatively speaking so numerous, so able, and so influential, as to constitute a new power in the State, it was either the fault of the Ministers or the fault of their cause. If their cause was that of truth and reason, why did they not make it appear? If their cause was that of the national good, why did they not carry with them the feelings of the Nation? They understood well the Lord Keeper North's pan-

acea for counteracting the poisonous effects of political libels against the Government, and they administered the medicine, it seems, in very liberal doses. Having the means of diverting unaccounted millions from the pockets of the People into those of such skilful controversialists of their party as stood ready to fight the ministerial battles, if they accomplished nothing it must have been because their cause was a bad one, since the vantage ground was theirs, and they were contending not for honor merely or abstract principles, but for their very existence. As to the influence of *Journalisme*, therefore, in promoting the Revolution of the Three Days, the plain unvarnished fact is this: — The liberal journals supported the interests of the Nation, while the ministerial journals were doomed to the laborious and ungrateful task of supporting the adverse interests 'de deux vieillards et d'un enfant,' with their dependants, who had been forced upon France by the bayonets of her confederate enemies. The Bourbons, 'the two old gentlemen and one child,' constituted one party, and France constituted the other. Of course, notwithstanding all the immediate power possessed by the King, as the fountain of honors, the dispenser of rank and office, the head of the army of troops and army of *employés*, and master of the public revenues, — notwithstanding all this, when the question came to be, who should reason best, who should write best, who should conduct a newspaper best, the King or the Nation, it was easy to fore-

see that all the ripe, spontaneous, independent, patriotic talent of France would speedily be concentrated into the new power of *Journalisme*.

The remaining subject of horror, which so disturbed the tranquillity of the government was invisible in itself, however sensible it may have been in its effects. We allude to the alleged *Comité Directeur*, a supposed permanent body, stated to have its head quarters at Paris, and to have for its object, to give organization, system, and consequent efficacy, to the efforts and members of the constitutional party. What the fact may be in regard to any such secret 'Committee of Safety' is unknown to us; but we must say that it would be strange if such a body had not existed, considering the stormy aspect of public affairs. Here was a matured plan, it was believed, on the part of the King, to endeavor, by means of his Ministers, to overthrow the Charter. The Ministers were the King's permanent *Comité Directeur* to revolutionize France in the interests of despotism. What more natural and reasonable than that the people should have their *Comité Directeur* to sustain the constitution of government as it was, or even to revolutionize France in the interests of liberty? All the advantages were certainly on the side of the King's *Comité Directeur*. They had the physical force of a large standing army and all the apparatus of war at command: their antagonists had nothing to meet it but moral courage and brave hearts to abide the issue. —

The people unfortunately had to provide funds for both sides. For we may be sure that neither Charles nor M. de Polignac provided, out of their own private resources, the budget of ten hundred millions of francs, which they had both power and will to employ in furtherance of their schemes of usurpation; and we may be equally sure, if MM. La Fayette, Lafitte, and their friends expended any money in the establishment and support of journals, in defraying the cost of defending against political prosecutions, or otherwise, that neither was this money derived from the private patrimony of M. de Polignac or Charles. We do not suppose that such a desperate moral contest, as was carried on by the national party in France, from August of 1829 to July of 1830, was conducted without some degree of concert among their trusted leaders, or a certain quantity of *revolutionary rent* to meet the unavoidable expenditures of such a crisis. And we know, from authentic documents, now before the world, that the Ministers were combined in an illegal purpose, and profusely employed the public money in promoting it. Nay, if the liberals had a secret *Comité Directeur* to manage their affairs, was there not a secret *Camarilla* behind the throne, an irresponsible cabinet, equally unknown to the Charter with the *Comité*, and at least equally dangerous to the State?

And this inquiry brings us to the other mysterious power, whose operations were too sensibly felt, and which constituted the subject

of horror to the friends of the Charter, namely, the Jesuits, and the *Congrégation* or affiliated disciples of the *parti prêtre*, having ample scope for intrigue as members of the Court or personal associates of the Sovereign. It was well remarked, on the appointment of the Polignac Ministry, that it could not stand; for the Ministers are alone, it was said; nothing sustains them but the clergy and the Ultras; and in France there are but forty thousand priests and a hundred thousand Ultras, to withstand thirtyone millions eight hundred and sixty thousand constitutionalists. But in admitting the truth of this remark, we must consider the greater means of *direct influence* possessed by a *Camarilla* of Clergy and Courtiers behind the throne, than can be exerted by the well wishing, patriotic individuals of the people at large.

We might well believe, if we did not know, that the Court of an emigrant devotee like Charles X., a man in his dotage, with but scant remains of the little sense he ever was blessed with, and given up to ascetic observances and the chase, without either capacity or inclination to elevate his understanding to the level of the times, — that in such a Court men of his own temper, character, and fortunes, would be the favored private advisers of his conduct and keepers of his conscience, whoever might be his responsible public Ministers. The lay members of the Court, of course, would consist of the privileged families of the *ancien régime*, accustomed to bask in the sunshine of royal grace,

and to feed their extravagance out of the treasures of the state; sinecurists, household functionaries and favorites, the retained representatives of those courtiers by profession, who had ruined the Bourbons once, and were now laboring in their vocation to do it again. ‘Habituated,’ says a lively French writer, ‘to contract debts, to spend beyond their revenues, to live tranquil in presence of a great mass of creditors, who could be silenced by a *lettre de cachet* if occasion required, they did not now relish absolute submission to legal order. No longer to find an odious protection in the misapplication of the laws; to be compelled to live on their income, and not at the charge of the traders or the royal treasury; to be able now to devour only a determinate quantity of the civil list, and no more, for the *Cour des Comptes* stares them in the face; to be debarred from making large fortunes by means of favoritism or the mistresses of the King; to tolerate a free Press, which unceasingly reproaches the exactions and follies of those in power; no longer to tyrannize over comedians and authors: — Such are the undying tortures which perpetually sting the gentry of the Court. These bloodsuckers of the throne and the Nation wish for the whole, while they can have no more than their appropriate share; and hence they are sworn enemies of the Charter, because it is the Charter which binds them down to that state of things, ‘in which consists, not their happiness, but the happiness of France.’ If this picture is highly colored, it un-

doubtedly possesses too much truth. France was young and new, while the Court was old and decrepit. France had been recently accustomed to nobles by nature, not by parentage; to courtiers who could speak of their own achievements, not of their ancestors in the middle ages. — The Court of the Restoration had abundance of old historical names to show, but France had forgotten them; the *illustrations* of the Republic and the Empire were resplendent with contemporary triumphs, which had effaced the expiring glories of men, who held their honors by virtue of the deeds of some old knight of yore, who died in his harness four hundred years ago in a petty skirmish under the banners of Orleans or Burgundy. Who now thought of Duras or Aumont, or cared for Rohan or Polignac? But the name of Lannes or Ney, of Soult or Massena, was like the voice of a trumpet swelling upon the ear from the distant hills. It spoke to every soul in France of stricken fields, of victories achieved, of glories ineffaceable, of imperial splendors; of all that could madden the fancy and dwell in dazzling brilliancy before the mind's eye forever. Is it wonderful, then, if the Court which surrounded Charles and Louis Antoine was little respected by the People, and gained no confidence from them; or if this Court, with the sympathies it possessed and the position in the public estimation it occupied, should have given occasion to make itself considered, in its general influence, hostile to the Charter?

The People entertained, at this period, still greater distrust of the influence of the Jesuits. They saw the *Congrégation* extending its ramifications through all the provinces, receiving many accessions from superstition, but more from policy and aspiring motives, and especially potent in the region of the Palace itself. They had struggled hard to procure even the nominal enforcement of the laws against the Jesuits, and with little effect. France believed that, if this intriguing and ambitious order of priests had sway, although they conspired with the King and the aristocracy to enslave the people today, they would, when they had advanced thus far, conspire with the lowest of the People to enslave the King tomorrow; and that they labored the triumph of absolution only in order afterwards to build up an inquisition by its means. In a country like France, where genuine and rational religion had unfortunately lost so much of its authority, it was not to be presumed that any forbearance would be felt for designing hypocrisy which assumed its garb, or ambitious jesuitry, seeking temporal power through the permission of its forms.

We have deemed it proper and useful, as well as consistent with the nature of our work, to enter into these considerations, although in part somewhat argumentative in their nature, because they present a view of the facts, which, as we go along, will be found gradually to unfold the causes of the Revolution of the Three Days. We proceed, therefore, to explain the state of the great question at

issue between the two parties, as presented to us in the journals and elsewhere, during the period anterior to the convocation of the Chambers.

From the very instant of the announcement in the *Moniteur* of the appointment of M. de Polignac and his associates, a never ceasing war of obloquy had been carried on by the writers in the interest of the Opposition. The liberal party did not pretend that any unconstitutional measures had been adopted by the Ministers, but took a stand against their supposed intentions, as inferred from various circumstances. Of this course the Ministers complained, as being factious and unjust. Wait, said they, until we violate the Charter, or manifest some disposition to do it, before you treat us as miscreants and traitors. The King has exercised his constitutional prerogative in selecting us to be his responsible advisers; it will be time enough to denounce our character and conduct as Ministers, when as Ministers we deserve reproach by the commission of illegal acts. To this the liberal party replied: — We know that your purposes are bad, and we can hope to prevent their accomplishment only by anticipating your design, and preparing the Nation to meet the possible contingency; and until you leave the Ministry, and men of other principles are appointed in their place, we shall not cease to sound the tocsin of alarm and proclaim our distrust of the Government. Which side was justified by the facts?

When we consider what the

Ministers actually did in July, 1830, and recollect how truly the liberal party anticipated their design eleven months before, it would seem that some obscure intimation of that purpose had escaped from those, who were at the bottom of the plot against the Charter. It may be, however, that, from discussions among the courtiers of what was feasible or expedient, men acquainted with the feelings of the King could form a pretty safe conjecture as to what the Ministers would attempt. A blow at the liberty of the Press was at any rate to be reasonably expected, although not in what precise manner and time it would be struck. Intentions to alter the composition of the Chamber of Deputies by ordinance, and to remodel the electoral system in the same way, were confidently imputed, as steps to be taken preparatory to gradually doing away with all those provisions of the Charter, which abridged the power of the Crown. Such were the designs attributed to the Ministers, and of which the People were called upon to beware.

But on what ground, it will be asked, did the liberals pretend to believe that the Charter was in danger? We answer, that the known character, the avowed politics of the Ministers, and the fact of their being in office, were sufficient to convict the King and the Dauphin of meditating a violation of the Charter. M. de Martignac and his colleagues were royalists they were no revolutionary zealots neither democrats nor Bonapartists. Why were they thrust out of office, unless because they were

considered too moderate, too temporizing, too conscientiously attached to the Charter? No other plausible reason could be or was alleged. Again, when the Martignac Ministry was displaced, why were Polignac, and Bourmont, and La Bourdonnaye placed at the head of affairs, unless because they were *ultra* in their principles, and prepared, from rashness or ignorance, to go further in the cause of absolutism than M. de Martignac could be induced to proceed? No other plausible reason could be or was alleged. These Ministers are not to be considered as new men, of untried opinions, whose future acts could be left to develop their principles, so that thus they might be judged. It would have been as easy to suspect the Duchesse d'Angoulême of republican tendencies, as M. de Polignac or M. de la Bourdonnaye of affection for the Charter. Long since they had not only hoisted their colors, but nailed them to the mast. M. de Polignac was the reputed son of Charles X., in the same way that Richard became the father of Faulconbridge; and he arrived at the Premiership, not as M. de Villèle did, by force of talents, by parliamentary address and influence, by capacity for conducting public affairs, but as De Luynes or Cinq-Mars obtained the helm under Louis XIII., or Robert Carre under James I., through the by-paths of personal favoritism. It was undeniable that whatever the King's *Camarilla* willed, Polignac would will, because it could only be to represent them, and to act for Charles as an individual, not as the Sovereign of a great Nation,

that he was made Premier. M. de La Bourdonnaye was the furious orator of *ultra ultraism*; the extreme of the *extrême gauche*. M. de Bourmont was, in his political fortunes indissolubly identified with the Bourbons as a family, ever since that act of treachery, which gained him the indignation of all France. It was enough for the liberals, then, to see such men in the control of the Government. This fact alone was decisive of the question; for how did they come into office, but in order to sustain the counter revolution, the Jesuits and absolutism?

Unfortunately for M. de Polignac, he was open to the imputation of being subservient to the views of England; an alleged subserviency, which, real or imaginary, was a very efficacious ground of reproach, in consequence of the excessive sensitiveness of the French People on this subject. His wife was English, his fortune was in England, his children were brought up in England, he professedly admired the English Constitution as the exemplar of a perfect Government, and he was a personal friend of the Duke of Wellington, having long resided in England in the capacity of ambassador of King Charles. These circumstances were sufficient to countenance the imputation, and to enable the liberals to employ it as the means of augmenting his unpopularity; but it proved, in the sequel, that he paid but too little heed to the warnings of Wellington against attempting a *coup d'état*.

It is one of the extraordinary features of the period that the *Quotidienne*, and the few other pa

pers which supported the Ministers, performed their duty with a feeble and timid spirit, which was oddly contrasted with their affected scorn of the liberal party, and the blustering tone of assumed defiance and reproach which marked the effusions. They were very liberal and profuse of the terms jacobin, *révolutionnaires*, enemies of the King, and the like ; but they made a wofully lame apology for the characters, and known principles of the Ministers ; and by the course of argument they pursued, as to the question whether a violation of the Charter was contemplated, they by no means tended to allay the public ferment and agitation. Among the documents, which have come to light since the Three Days, are some which explain this seeming mystery. It is demonstrated that the King and his back-stair Cabinet were determined to expunge the Revolution, — so to speak, to carry France back to the good old days, when instead of an elective Chamber was a convenient Council of State ; when the Ministers were responsible to nobody but the King, and the King was responsible to nobody but his public harlot, some shameless Madame de Pompadour or Madame du Barry ; and when, so long as the hereditary head of the State had a *Parc-aux-Cerfs* to repair to for his amusement, and so long as the noblesse about the Court had free access to the Treasury, it mattered little what became of the taxpaying *paysans* and *bourgeois* of France.

It seems that when La Bourdonnaye gave place in November to

M. Guernon de Ranville, this gentleman, in entering the Cabinet felt bound to file a sort of protest against their proceedings in their intention to *nullify* the Charter. ‘The project,’ he says, ‘which some imprudent royalists would wish to push the Government to adopt, would consist in dissolving the Chambers and convoking a new one, after having modified by ordinance the electoral law, and suspended the freedom of the Press by re-establishing the censorship. I know not if this would save the Monarchy ; but it would be a *coup d’état* of extreme violence. It would be a violation of the thirtyfifth article of the Charter ; that is, a violation of the oath taken to maintain it. Such a step would never become the King nor conscientious Ministers.’ Unhappily for the Bourbons the ingenuous advice of this their devoted servant, a man of unsuspected attachment to their dynasty, was not favorably entertained ; and the Minister himself was afterwards reasoned out of his own better judgment, and driven into a participation in the violent *coup d’état*, which ruined the Monarchy and himself.

Other advisers were at work, whose counsels were more palatable to the dotard on the throne, than those of the clear sighted M. Guernon de Ranville ; as plainly appears from the language of a memorial communicated to the Dauphin by some irresponsible foe to the liberties of his country. ‘A Sovereign,’ says the memorial, ‘may make *coups d’état* for the good of his subjects. They will almost always succeed, if he shows

that they are for the benefit of great proprietors and the army, *provided force and secrecy are employed in their execution*, and prompt justice is executed on the factious. *Bayonets support thrones.* The soldier belongs to him who pays him. The party of the liberals is without a chief. That the people or the troops should revolt, they must find or hope for safety and guarantees. It is not a few groups of students, easy to be dispersed by a few shots or a few charges of cavalry, that will give those guarantees.' Here are precious maxims for a constitutional King. The *great proprietors*, that is, the oligarchy about the throne, are to be flattered and conciliated with the promise of power, and the army is to be corrupted by largesses, and then all will go well: for thrones are supported by 'bayonets,' not by the affection of the People. This rule of governing, to be sure, may not prove palatable to the millions who pay and suffer; but no matter; they are unarmed; they are base fellahs, born to till the ground, to discharge imposts, to beget slaves, and to die; and if they speak of their chartered rights, the bayonet, the sabre, and the guillotine will reduce them to silence and submission. We thank God that 'the people, and 'the troops' and a few groups of students,' of whom this memorialist speaks so contemptuously, gave a lesson to crowned heads on 'the 29th of July,' which will be remembered by the servile instruments of oppression in Europe, so long as a King cumber the earth.

But the memorialist proceeds

in an equally significant strain. 'Strike,' says he, 'strike with a firm hand the institutions which owe their birth to the Revolution, and by which it is perpetuated.' That is, suppress the Charter by force, and abolish all the just and equal laws of the last forty years: and he might as well have added, demolish half Paris and waste France with fire and sword; for it is the splendid monuments of one and the wide spreading prosperity of the other, *qui perpétuent la révolution.* 'The national representation is contrary to the genius, the manners and the character of a Nation frivolous and turbulent like ours. With fifty thousand advocates, the same number of attorneys and clerks, and such a host of physicians and surgeons imbued with revolutionary principles, the representative form of government, resulting from the Charter, is a continual struggle of parties, which engenders disorder, divides the country, and enfeebles the State. There is a repugnance, a natural antipathy between France and the representative system. The Monarchy requires, in order to be firm and preponderating without, as well as within, a *Supreme Council, not two rival Chambers.* The *noblesse* has incontestable rights to the administration of the State; and the clergy can no longer remain a stranger to the government of France.' It is impossible, in our apprehension, to conceive of principles more wretched, counsels more infatuated, or ignorance more profound, than these passages betray. We undertake not to justify or extenuate the horrors

and excesses of the French Revolution ; but we must say that so long as Kings maintain that no faith is to be kept with their subjects and no oaths are binding in their favor, and that their fellow men are of no farther consideration but to be ‘ *taillés et corvés à la miséricorde,*’ for the benefit of a few idle and profligate courtiers, — we cannot discipline our republican feelings into a state of very extreme sorrow that a terrible lesson of retributive and reciprocal justice should occasionally be visited on such implacable enemies of the whole human race.

Having thus seen what was the nature of the apprehensions entertained by the constitutional party, and how much cause there was for such apprehensions, we have but one more subject to advert to, before proceeding to the meeting of the Chambers. We mean, the probable issue of a decisive struggle. All that the liberals asked, and all that they professed to desire, was the conservation of the Charter and the appointment of a National Ministry. Yet it is undeniable that, so early as the close of 1829, very just calculations could be made regarding the probable event, if the King should tamper with the Charter and fail. Many hoped and desired that he would attempt a *coup d'état*, in the anticipation of its resulting in the gratification of their peculiar feelings and wishes. But even those, who believed in the expediency and success of a *coup d'état* as a royalist measure, could not fail to reflect on its *possible* failure, and to look to what would be the consequence. The analogy, thus

far, strikingly perfect, between the history of the three last Stuarts in England, and the three last Bourbons in France, was continually followed out in private conversation to its final catastrophe, and not seldom alluded to in the newspapers, especially those of Great Britain. We feel no hesitation in saying that the mere contemplation of this analogy had great influence in familiarizing the minds of men to the idea of the Duc d'Orleans as a kind of predestined substitute for Charles X. We shall not here anticipate the history of a later period, by undertaking to develop the various circumstances of family and personal popularity and public convenience which subsequently raised Louis Philippe to the throne. We speak only of the under current of public sentiment, the privately expressed opinion, the half formed fears or hopes, which might be discerned in France late in 1829, and before any actual collision had taken place between the People and the King personally.

We know the fact to be that, at the period in question, the Orleans family occupied this singular position, in the supposition of an impending revolution : They were the first choice of but few, they were the second choice of nearly all. The Republicans regarded the succession of the Duc d'Orleans as the next best thing to the establishment of a Republic ; the Bonapartists admitted that it would be next best to the restoration of the rights of the young Napoleon ; and the Bourbonists felt that it would be

next best to the continuance in power of Charles or Louis Antoine, or young Henri. The Republicans would prefer it, now, to the reigning family or to the son of Marie Louise ; the Royalists to Napoleon or a Republic ; and the Bonapartists to a Republic probably, certainly to the Bourbons, whose thorough adherents formed a very small fraction of the Nation, and that fraction neither the most intelligent nor the most influential. And thus Louis Philippe, while, if he relied for success on choice by absolute preference, had little chance of reaching the throne, had the fairest prospects as the choice by compromise and political necessity.

Such was the state of public affairs, when the royal ordinance appeared on the 7th of January, appointing the 2d of March ensuing for the assembling of the Chambers. It could no longer be said that the King intended to dissolve the Chambers, and thus save the Ministers from the inconvenience of meeting the Representatives of the Nation. The question now was, what the Chambers would do, and what the Ministers, in case the Legislature should go so far as to insist on a change of Ministry as the condition of a vote of supplies. Meanwhile, after six months of inactive irresolution, of almost absolute quiescence, of timid, fearful movement in the mere vicious circles of *bureaucratic* formality, the Ministers had really ventured to do something, to take a step in office of some kind. As to the internal affairs of the Kingdom they had gone so far as to conclude to

face the Chambers ; and they even made a couple of *moves* in relation to external affairs.

The wise rulers of Europe, who had crushed the power of the Sublime Porte by mere inadvertence, and called into being a Republic on the shores of the Mediterranean by mistake, were sorely puzzled to decide how to retrace their steps with becoming solemnity and gravity, so as not to encounter too much reproof from an injured fellow-king, nor too much ridicule from scoffing and irreverent liberals. Among other ingenious manoeuvres to this affect, they were now busy in selecting some unprovided member of the royal *clique*, to be imposed upon Greece, with as little consideration for the wishes of the interested parties, as they had formerly shown in subjecting Genoa to the King of Sardinia, Belgium to William of Nassau, or France to the Bourbons. The fact at length became known, that the choice of the Allies had fallen upon Prince Leopold of Saxe Coburg, and was made the subject matter of most vehement declamation against M. de Polignac, in consequence of the relation Leopold stood in as to Great Britain. All that had been said at first against Polignac, as being under English influence, as being the tool of Wellington, and so forth, was now renewed with tenfold fury. What, said they ; did the French fight the battle of Navarino, did they expend their blood and treasure in driving Ibrahim from the Morea, that the son-in-law of George IV., uncle and nearest male relation of the Princess Vic-

toria, the dependent pensioner of England, should be King of Greece? It seemed to their excited minds incontrovertible proof of the subservience of the Prince de Polignac to the ambitious views of Great Britain, and continued to be the subject of angry discussion, until other more deeply interesting topics came to supply its place.

The Ministers had now begun in earnest to set about an expedition against the Dey of Algiers, with whom France had long been at issue, without taking any very decided measures to bring the controversy to a close. Had they undertaken the expedition in good faith, and with singleness of heart, solely for the vindication of the honor of France, it might have been serviceable to the reputation of themselves and their master. — But they had been so baited by the liberal party, that they could undertake nothing, they could think of nothing, except as it bore upon the question of their ministerial popularity, and the success of their conspiracy against the Charter. Therefore, instead of going to war with Algiers in order to punish a violent horde of pirates, as England had done not long before; instead of going to war in Africa to make a rich and valuable conquest, as England was doing every few years in Asia; instead of pursuing either of these objects, M. de Polignac entered upon war as an electioneering manoeuvre, hoping to divert public attention from his domestic plans by giving it new occupation abroad and to strengthen himself in the public favor, by providing food

to gratify the passion for military glory, which so generally prevails in France. But, detecting and exposing his purpose with their customary readiness and address, the liberal party converted even this far fetched scheme of popularity into an additional ground of public condemnation and disgrace.

Events now began to assume that rapid march, which had been so long preparing by the discussions and agitations, whereof we have thus far been occupied in giving an account. The Legislature met at the appointed time; and the remarkable part it performed may warrant some details as to the parties which composed it, and the prominent men in each party. While every one knew familiarly the general division of each Chamber, attentive observers could go further, and single out fractions of the several great parties, sometimes almost as hostile to each other, as the primary parties themselves. Beginning with the Chamber of Deputies as the popular and elective branch, we shall then add a few words concerning the Chamber of Peers. Conspicuous in the Chamber as the professed friends of the crown was the *Contre-Opposition*, the administration party, that is, commonly known from their local position as the Right. In this section you might see some, who, independent royalists, having come to the Chambers with sentiments rather unfavorable to the constitutional system, had learned to admit the necessity of it for the safety of the throne, as well as for the tranquillity of France. These men formed a valuable ingredient

of the Chamber. They were constitutionalists in good faith, always inclining, nevertheless, to strengthen the royal prerogative. They spoke a constitutional language, respected the Charter, and had resigned themselves to follow its forms, without seeking to infringe or nullify it. In the same general division were men, who, feeling as if the great question still was between Royalty and the Revolution, were disposed to sustain the Government in its political weakness, but who, guided by conscientious motives, stood ready to repulse all jesuitical influence, and to demand economy in the public expenditures and a proper consideration of the public welfare. There, also, it is certain, were some men whose whole souls were given up to the *contre révolution* in its purity and simplicity, who had reproached all past administrations for not rushing fast enough in a retrograde career, who hailed with joy the advent of Ministers after their own heart, and whose only fear was lest a lingering scruple of timidity or indecision, should so check the libetricide dispositions of M. de Polignac, as to save the Charter yet a little while. And associated with these last were some few fanatical *congréganistes*, urging the Government to give free scope and career to the movements of the Jesuits. Such were the *Contre-Opposition*.

From the very commencement, a large third of the Chamber had consisted of the old and constant friends of liberty, headed by the men who had ever been true to France. We may be sure their

numbers had not diminished under the *conceding* ministry of Martignac, nor their zeal under the *non-conceding* ministry of Polignac. These Deputies, strong by their talents still more than by their numbers, might be regarded as the type of a true national representation. You saw there the choice spirits of France; *illustrations* of every class; the delegation of the genuine interests of the Nation; *les glories* of the army, of science, of literature, of philosophy, of the bar; the eminent names among the great landholders, the capitalists, and the manufacturers; the old *celebritys* of the year '89 and the new one since aggregated to their noble phalanx. Whatever shades of division might exist among these soldiers of the Charter, however they might individually desire to infuse more or less of liberty into the institutions of their country, they were firmly united in one thing, and that was, determined hostility to the Polignac Ministry, their measures, principles and intentions.

Neutrality and moderation in politics, however patriotic the motive of the individual professing these qualities may be, are never held in high favor in a great national crisis. Neutrality is apt to be considered the retreat of time-serving men, who have not independence enough to throw themselves frankly into the ranks of any decided party. Unquestionably, however, the right and left *Centres* of the Chamber contained many worthy men, who could not be accused either of timidity or of calculation in assuming a

kind of intermediate position between the widely sundered extremes of the Opposition and *Contre-Opposition*. Besides, it was but a few years since, that, of more than four hundred Deputies, only *thirty* were found to vote against the Ministers; and now they outnumbered their antagonists, perhaps, or at least were likely to do it with the aid of the Centre.

In characterizing the smaller subdivisions of this Chamber, a spirited author has said that the extreme Right consisted of the Jacobins of Royalty; the Right, of Royalists somewhat less furious than their neighbors; the Right Centre, of Royalists having a violent inclination to be reasonable; the Left Centre, of Royalist who desired a varnish of constitutionality over the solid advantages of ministerialism; the Left, of the sincere friends of the Charter; and the Extreme Left, of the Republicans, the Radicals, the insatiable.

La Bourdonnaye, who had just retired from office, had pretensions to be considered a leader of the Extreme Right, these paladins of the old *noblesse*, who certainly did more harm than good to the King by their extravagance. What party could be strengthened by a Duplessis-Grénédan, who had loudly demanded the re-establishment of the rack and other atrocious barbarities of feudality, and who opposed the law of indemnity because it did not wrench all the fragments of the national domain from the hands of innocent purchasers, and restore the very estates themselves to the old

proprietors? By a La Boësière, who deemed it a breach of the oath of allegiance to question the propriety of anything emanating from the Ministers? By a Salaberry, to whom the name of the Press or of the Charter, was as water to a subject of the hydrophobia? And if others, like Corbière, had more of discretion, talent, or knowledge of the world, they labored under a load of unpopularity, which rendered them of little avail in the present crisis. The *Contre-opposition*, however, contained men, to whom it is impossible to deny the respect due to integrity and ability, although associated in positions with men, who were blindly hastening on a new Revolution. Martignac and Hyde de Neuville, independently of their numerous other claims to consideration, had earned a new title, to it in being driven from the Ministry to make room for the vowed foëes of the Charter. MM. de Conny, Delalot, and de Larochefoucauld with others of their class, might also be singled out from the ranks of the Right, as uniting great personal respectability with a creed, which comprised the Charter and the King, the Bourbons and France. The Right was to derive what aid it might from the Ministers themselves, at least from such among them as possessed capacity for the business of a deliberative assembly; and how weak they had previously been, in this essential element of a vigorous Cabinet, is rendered apparent by their calling Guernon de Ranville from a provincial bar to succeed La Bourdonnaye, on account of the rhetor-

ical powers and supposed parliamentary talent of the former gentleman.

How differently constituted was the Opposition in all the elements of national consideration and the means of exercising popular influence ! Since the Three Days their names have become familiar to us by the deeds they have performed, or the speeches they have delivered, in the cause of the Charter. If the Left contained fewer of the old aristocratical families, which the Restoration had given back to France, it was rich in everything else, and in that respect even was not deficient. — If the La Fayettees and the Larochefoucauld-Liancourts, with genealogies running back into eras co-existent with the conquests of the French, were not numerous among the Opposition, who, among the *Contre-Opposition*, deserved to be matched with the Royer Collards, the Duponts, the Périers, the Dupins ? Here were Firmin Didot, Lefebvre, Jars, Casimir Périer, Lafitte, Balguerie, Ternaux, Laisné de Villevesque, who brought to the deliberations of the Chamber a practical knowledge of the commerce and manufactures of their country, worth all the *sangre azul* in France ; and several of them could be as eloquent in the tribune, as they were wise and well informed in the committee room. Among the great publicists and eminent mag-

istrates were Dupont de l'Eure, exhibiting a life of public usefulness and exalted public virtues in legislative and juridical functions coeval with the Revolution ; Méchin, a contemporary of the last in the length of his public services, and distinguished for zeal as a debater ; Béranger, a publicist, whom some of the American letter writers have absurdly mistaken for Béranger the poet ; Dupin and Mauguin, practising advocates of Paris, equally distinguished at the Bar and in the Senate ; and Schonen, a counsellor of the Cour Royale of Paris of the highest reputation for talents and patriotism. It is one of the distinctions of science and letters, that they diffuse a reputation far beyond the limits of ordinary political notoriety ; and Royer-Collard, Etienne, Charles Dupin, Kératry, and Benjamin Constant, had more than a single claim to be known, whether in or out of France. — Nor should we omit to mention the virtuous Labbey de Pompières, since lost to his country by death ; or Louis, who had twice resigned the ministry of Finance rather than participate in acts injurious to his country, and was now a steady opponent of the Government, or Sébastiani and Gérard, the former so well known as a diplomatist, and both as among the great generals of the Empire ;* or Laborde, eminent as an author and a politician, and

* We feel tempted to extract from a biographical work before us, a specimen of well applied humor concerning another of these military veterans. The Deputy, General Adam de La Pommeraye, says an author, is one of those brave soldiers, who are not ashamed of having planted the French colors on every Cathedral in Europe. He was a member of the Chambers of 1820, always voting with the Left. One day a certain Prefect being at the tribune, where he spoke rather ungraciously of our old

not less so as the generous dispenser of a noble fortune, and as a spirited public benefactor.

We need occupy but little time in speaking of the Chamber of Peers, which from deliberating in private, attracted less of general interest, and has been almost passive in the changes of the Three Days. It contained two very distinct divisions, one of which would gladly have aided M. de Polignac in restoring the good old times, and the other would have preferred to let things remain as they were. It is observable that neither did all the ancient nobles belong to the first class, nor all the *novi homines* to the latter, but singular mixtures had occurred on both sides. Many gentlemen of name and arms had become reasonable by the influence of reflection and experience. Such were MM. the Ducs de Mortemart, de La Vauguyon, de Choiseul, de Broglie, de Doudeau-

ville, the Prince de Talleyrand, the Marquis de Jaucourt, the Vicomte de Châteaubriand, the Comtes de La Ferronnays and de Laroche-Aymond, the Marquis de Catelan, the Comtes de Pontecoulant, de Ségur, the Duc de Praslin, and others who justly appreciated the mad schemes of the Government. They remembered what the *noblesse* had already lost in the unequal contest of parchment-privileges against force, they foresaw what it would again lose by another such struggle, and they sought to calm, by moderation and prudence, the exaltation and exaggeration of the wild apostles of a royalist revolution. Although sustained by the brilliant cortège of the titled heroes of the Republic and the Empire, by the great functionaries who had been the lights of their times, and who retained in old age the patriotic spirit of their youth, — although efficiently aid-

defenders, M. de La Pommeraye interrupted the Prefect with some sharpness, uttering an exclamation which the journals of next day translated into the polite words, *You are a pitiful fellow!* Hereupon the orator demanded of his colleague, through the medium of the newspapers, whether the General had really intended to insult him; and M. de La Pommeraye frankly answered that he certainly did intend the words as an insult; to which the Prefect made no reply, being perfectly satisfied with this very interesting explanation.

Another Deputy is thus disposed of in the same work: —

Delarode (Yonne, ministerial.) *Un clou chasse l'autre.*

M. Boutin, Deputy going out. What do you want

M. Delarode, Deputy entering. Your place.

[M. B. Are you a *ventru*?

M. D. M. Piet and my colleagues will acknowledge me as such.

M. B. What is the duty of a *ventru*?

M. D. To vote according to his conscience.

M. B. Where is the conscience of a *ventru*?

M. D. In his interest.

M. B. Do you promise on your conscience to do as I have done, to vote for the Ministers, and to cry *question!* when occasion requires?

M. D. I promise.

M. B. Give the countersign.

M. D. Obedience and profit.

M. B. The sacred pledge.

M. D. *Vilelle, quand même!*

M. B. It is well; take your place, vote, and prosper

ed by such men, the Mortemarts and the Châteaubriands strove in vain to control a suicidal madness of policy, which they knew would work the destruction of the Bourbons, and had reason to fear would prove equally fatal in its consequences to the Chamber of Peers. Of M. de Pastoret, the perpetual President, we will merely add, that he had well attained his political elevation by a career of meritorious public services, having traversed the Revolution with honor. It was pointedly remarked of him, long before any body anticipated the catastrophe of the Three Days: — ‘Il ne nuira jamais de lui-même à l’ordre établi ; mais, si on voulait le renverser, il laisserait faire.’ The event has very strikingly verified this prediction.

Such was the Legislature, before whom the Ministers were now called upon to account, not for their measures, but for their existence in office. Anxious expectation filled every mind, and angry discussions were heard in every circle, as to the form in which this great question would come up, and the effect of any hostile demonstration on the part either of the ministers or of the Opposition. Would the Minis-

ters resign if the Address of the Deputies should be against them, and a dissolution of the Chamber ensue? The royalist journals said, no. ‘The Address,’ they argued, ‘is of little consequence: if it is hostile, Ministers will put it in their pockets, and pursue their course as before; they are not persons to retire because they are asked to do so. Let them hold firm; the Address will pass for nothing; and they will have the majority for the Budget.’ Supposing this to be their course, and the Ministers to disregard the menaces of the Opposition, yet, if the latter should have the majority in the Chamber, what would or ought to be the effect of their refusing the Budget? Would the Ministers then yield to the National Representatives? Or would the King, indignant at such an interference with his pretended prerogative in the selection of his Ministers, dissolve the Chambers? And if so, would he order a new election thus making an appeal to the voice of the Nation? Or would he undertake a *coup d’état*, in the hope of maintaining his ground by force? These delicate and difficult questions were at length cut short by the unexpected arrival of the national crisis.

CHAPTER XII.

FRANCE, CONTINUED.

Meeting of the Chambers. — Speech of the King. — Address of the Deputies. — Prorogation. — Discussions. — Dissolution of the Chamber. — New Ministers. — Elections. — Algerine Expedition. — State of Algiers. — Cause of the War. — Preparation. — Landing in Africa. — Surrender of Algiers. — Colonization of Africa.

THE French Chambers assembled on the 2d of March. All France awaited with intense anxiety the result of this the most important legislative meeting which had occurred since the Restoration.

The King's Speech at the opening of the session, after alluding to the probable termination of the negotiations regarding Greece and the intended Algerine expedition, and to some minor topics of internal policy, concluded with these words : 'The Charter has placed the public liberties under the safeguard of the rights of my throne. These rights are sacred ; my duty is to transmit them entire to my successors. Peers of France and Deputies of Departments, I doubt not of your co-operation in effecting the good which I wish to ac-

complish. You will repel with contempt the perfidious insinuations which malevolence endeavors to propagate. If culpable manœuvres should raise up against my Government obstacles which I am unable — (he added on recovering himself) which I do not wish — to foresee, I shall find the power of surmounting them in my resolution to maintain the public peace, in my just confidence in the French, and in the love which they have always shown for their Kings.'

In weighing impartially these expressions, which occasioned so much heat, excitement and discussion at the time, and which had such a decided effect in precipitating the critical moment, it seems clear to us that the great error of the Speech was in its mal-adaptation to the sentiments and opin-

ions which then pervaded France. It appeared little better than mockery to speak of 'the love' which the French had '*always* shown for their Kings,' in sight of the half finished monument of the Place Louis Quinze, where the statue of Liberty stood within the memory of all men, and where Louis XVI., Marie Antoinette, and Madame Elizabeth perished on the scaffold. It was a compliment to the French no less equivocal, for a Bourbon to pretend a 'just confidence' in them, when they had seized on all occasions to inspire that family with well founded distrust, by killing four of its males within forty years, and only tolerating the residue from dire necessity. And to talk of the 'sacred rights' of a throne, which was, by the confession of the Ministers themselves, already shaken to its foundations by the assaults of revolutionary violence; to propose to place the 'public liberties' under the safeguard of its crumbling fabric; and complacently to hold up the liberties of the People in contrast with the rights of royalty: all this would have been injudicious at any time, but at the present conjuncture was unspeakably ridiculous. It was, however, the denunciation of the 'perfidious insinuations,' of the 'malevolence' and of the 'culpable manœuvres' of the Opposition; and the implied threat in the concluding sentence, which roused the resentment and stimulated the resolution of the Chamber.

The Opposition, feeling entire confidence in carrying with them

a decided majority of the Deputies, proposed an Address in reply to the Speech, expressive of their determined purpose. The debates in the French Chamber have always been prone to assume considerable vivacity of manner; but never, since the Restoration, had an occasion arisen, in which the greatness of the stake could better have sanctioned the most earnest appeals of parliamentary eloquence. The royalists, conscious as they must have been of the probable issue, did not abate one jot of their confidence in language. They pretended the Charter was a mere gift of royalty, not a consequence or effect of the Revolution; nay, that it was a voluntary and an unexpected gift. All France, said M. de Conny, is counter-revolutionary, and now asks nothing of the Ministers, but that they shall consolidate the Restoration, combat and destroy the spirit of faction, unite the elements of an aristocratic power, and restore to the Departments their moral life of which they have been deprived. M. Guernon de Ranville contended, that the attack of the Chamber on the royal prerogative exerted in the appointment of his Ministers, was an act of intolerable usurpation and anti-monarchical tyranny. But the comfortable assurances of M. de Sainte-Marine were the most edifying. 'The great majority of the population,' said he, 'the third party between the liberal faction and the Cabinet, consisting of thirtytwo millions of Frenchmen, enjoys the present, confides in the future, loves what exists, is fearful

of changes, and knows that a progressive system is a change, as well as a retrograde system. They cherish their King, they love to be governed by him, they repose confidence in his wisdom, and his love for his People. They wait for the acts of the ministers; and as the only thing that they now know is, that the King has chosen them, his choice is a presumption in their favor, and not a reason for their condemnation.' It is impossible, in any period of history, to find arrogant pretensions more strikingly contrasted with the real state of the facts.

At length the Address was carried against the Ministers, by a vote of two hundred and twenty-one to one hundred and eighty-one, and concluded thus :

'Sire, the Charter, which we owe to the wisdom of your august predecessor, and the benefits of which your majesty is firmly resolved to consolidate, consecrates as a right the intervention of the country in the discussion of the public interests. This intervention must be, it is in fact, indirect, wisely measured, circumscribed within limits exactly traced, and which we shall never suffer to be passed; but it is positive in its result, for it makes the permanent agreement of the political views of your Government with the wishes of your People an indispensable condition of the regular conduct of public affairs. Sire, our loyalty, our devotedness, condemn us to say that *this agreement does not exist*.

'An anxious distrust of the sentiments and reason of France is

now the fundamental idea of the administration. It afflicts your People, because it insults them; it excites their apprehension because it threatens their liberties.

'This distrust cannot approach your noble heart. No, Sire, France no more desires anarchy than you desire despotism. She deserves your faith in her loyalty, as she reposes faith in your promises.

'Between those, who misunderstand a nation so calm, so faithful, — and us, who, with a profound conviction, come to confide to your bosom the sorrows of a People jealous of the esteem and confidence of their King, let the wisdom of your majesty pronounce. Your royal prerogatives have placed in your hands the means of securing between the powers of the State that constitutional harmony, which is the first and necessary condition of the strength of the throne, and of the grandeur of France.'

This Address by no means expressed, in all its parts, the concurring sentiments of all those who voted for its adoption. Many of them were avowed Republicans, who neither entertained that respect for the Monarch personally, nor for monarchy in the abstract, which is put forward in the Address. But such men felt willing to overlook expressions of that kind, and to adopt the whole as a measure of opposition. Had the King been capable, at this time or at any other, of calculating his own position and rightly estimating the disposition of the country, he might undoubtedly have saved

his throne for a while, and perhaps transmitted it peaceably to the Dauphin, by making the concessions, which the temper of the times demanded at his hands. A change of Ministers, a frank and sincere committing of himself to such projects of public improvement as the liberal party proposed, might have left him the popular King of a great nation, if it deprived him of the dubious honors of being the chief of an aristocratical faction. But with the infatuation of another James II., he rushed headlong on to his destruction, in spite of the warning voice of wisdom and experience. He immediately communicated to the Deputies his fixed resolution to persist in sustaining the Ministers, and ordered the prorogation of the Chambers to the 1st of September: it being well understood that he intended soon to order a dissolution, thus taking the chances of a new election, or at least procrastinating the contemplated blow at the Charter.

Charles X. was now at war with France. The nation had declared, in every form wherein such a resolution could be impressed upon the King, that his Government should not go on so long as the present Ministers remained in office; and he had as resolutely declared that he would on no condition relinquish his Ministers. An appeal to arms must even then have been foreseen as the probable, nay, almost the necessary issue of such a contention. But the provisions of the last Budget would enable the

Government to continue in being until the next September, without the aid of a new vote of supplies for the interim, at least so far as to meet the ordinary expenses of the State. It is true that the expedition against Algiers required the concurrence of the Chambers; but the Ministers calculated, wisely enough perhaps, that if they carried their main object, of overturning the Charter, they should have no difficulty in disposing of the objections to any slight irregularity in the plan of the Algerine war. In the grand effort they were making to abridge the liberties of the people, they must, of course, either succeed or fail; there was no middle result. If they succeeded, the power would be in their hands, and all would go smoothly: if they failed, the trifling crime of neglecting one of the forms of law would be swallowed up in the monstrous one of attempting to alter the constitution of government. Until the month of September, therefore, they could avert the final crisis, which they dreaded to meet, as much as they desired it should take place; and thus much time remained to them for essaying the force of intrigue, manœuvre, and corruption, and maturing their plans of eventually entering upon civil war with the prospect of victory.

During the whole period which elapsed before the downfall of the dynasty, the Kingdom was agitated to its very centre by the progress of the expedition against Algiers and the course of the elections for a new Chamber. But

discussions of the actual predicament of the Ministers, and of the complexion assumed by this great political question since the presentation of the Address, were not the less unremittedly pursued in the public journals. The same question had arisen in England, it will be remembered, in the reign of George III., when Mr Pitt was appointed to office against the voice of a majority of the House of Commons. Notwithstanding the vote of the House demanding his removal, the King adhered firmly to the selection he had made, and treated it as a matter narrowly affecting his prerogative, in the same way as Charles X. regarded it in like circumstances. Mr Pitt also maintained his ground by fair argument, until the sentiment of the Nation was with him, and then, and not till then, advised a dissolution, and the return of a new House of Commons. If Polignac had intended or desired to govern wisely and to the public satisfaction in the sense of the Charter, he might have adopted the same course not without some hope of success. But unfortunately for him, his object was to revolutionize the Government; or, as M. de Conny would phrase it, consolidate the Restoration; and of course he could not stand upon the Charter, and by moderation and prudence in the conduct of public affairs give the lie to the prediction of the liberals, and thus secure the support of the Nation.

But while M. de Polignac could, undeniably, find such a precedent as the remarkable one of Mr Pitt, to sanction his con-

tinuance in office in spite of an adverse vote of the elective branch of the Legislature; and if his purposes had been constitutional and fair like Mr Pitt's, might have ventured to repeat the experiment; yet even in the latter case such a course would have been wholly indefensible, considering the question as one for a patriotic Minister to decide, with reference to the welfare of his King and his country. It was mere madness to stake the existence of the Monarchy itself upon a metaphysical abstraction, a point of transcendental right, not worthy to be weighed an instant of time in the balance with the exigencies of the public service. For, to recur once more to the example of England, whose constitution M. de Polignac said was the study of his life, how often has it happened there that Ministers had resigned because they had lost the confidence of Parliament: how often have Kings retained in, or appointed to, office, some individuals unacceptable to themselves because he possessed the confidence of Parliament. It is, in fact, the experience of every day.

True, the King by his prerogative, has the right to select such Ministers as he sees fit, and those Ministers may remain in office, whether they are agreeable to Parliament or not. But, on the other hand, Parliament has just as good an extreme right to reject all the propositions of the Ministers, whether relating to money matters or anything else. The objection to such a procedure, on the part of either, is that

the country suffers meanwhile. And with just as much reason as Charles alleged that, to vote against his Ministers as such, was an attack on his prerogative in their appointment, with the same propriety might the Chambers allege that, in demanding of them a vote of supplies whether they had confidence in the Ministers or not, the King was invading their privilege by the Charter. As a question of abstract right, therefore, it was absurd for the King to assume the ground he did; because it should have been considered and decided as a question of public good and of political expediency. Both parties had a right to insist, and each had certainly as good a right to recede. By refusing to yield, the King embarrassed the public business and filled the country with contention, discord, and civil war; by gracefully yielding he would have prevented all this injury to the country, and would have preserved the throne to himself, instead of throwing it away upon an idle punctilio of personal pride.

We stated, in mentioning the prorogation of the Chambers, that the dissolution of the Chamber of Deputies was expected soon^r to follow. In anticipation of this event, the liberal party had been busy in preparing for a desperate contest. The Ministers appeared to think that the imposing spectacle of the preparations against Algiers was enough to conciliate for them the good will of the electors; and on the 17th of May an ordinance was published dissolving the present Cham-

bers, ordering the meeting of the Electoral Colleges for the 23d of June and the 3d of July, and that of the two Chambers on the 3d of August. 'From this time to the conclusion of the elections,' says Dr Lardner's valuable Retrospect, 'a scene of political activity, and paroxysms of political energy, were exhibited, which are seldom witnessed even in times of revolution. The names of the two hundred and twentyone, who voted the hostile Address, had been published. Their courage and constitutional principles had been applauded to the skies for two months in almost every journal in the Kingdom; and their re-election was now called for, not only as a reward for their patriotism, but as a defiance of their enemies. Manuals of the electoral laws were printed by a liberal association in all the liberal papers, and purposely scattered among all the electors of the Provinces. The Committee for managing the elections in Paris sent around their lists of candidates for all the Electoral Colleges. Committees were also formed in every Department or Electoral District, to watch the proceedings of the Prefects and other agents of Government, to examine the lists of electors, to restore [the names of persons who had a right to vote, to detect fraud or imposition in those who had not, and to prosecute before the tribunals all infractions of the electoral laws by the aid or through the connivance of the administration. The Ministry, on their side, were equally active, but their efforts

were totally inefficient against the overwhelming force of their adversaries.'

We know not what inconceivable infatuation of mind could have induced the Court, at this time, to remodel the Cabinet, and especially to introduce the individuals, who now entered into it. M. de Courvoisier could hardly be suspected of revolutionary tendencies, and his pliability of character would have been likely to keep him in the traces with his fellow-ministers. But it seems that M. de Polignac could not trust him for the desperate effort that was now to be made. An ill regulated piety, by devoting him to the party of the Jesuits, was the assigned cause of his having so long adhered to the court interest, notwithstanding his supposed attachment to constitutional principles. It has been said that he might take for his device, 'Liberté et Loyola;' and perhaps M. de Polignac feared lest Courvoisier should allow the former predilection to get the better of the last, in the view of the ardent zeal of all France for maintaining the Charter. 'Courvoisier,' said a liberal writer in August, 1829, 'is good at bottom; appearances only are against him; ambition has induced him to commit an error, for which his conscience pricks him continually; and I should not be surprised if he had a falling out with his colleagues, and retired of his own accord if he was not obliged to do it by others.' M. Chantelauze, a man new to high official station, but recommended to Polignac, it would

seem, for that which Courvoisier wanted, was appointed to supersede him in the custody of the Seals. A new ministry was at the same time created for Baron Capelle, that of Public Works.

But these changes were of comparatively minor consequence, considering the nature of an appointment made in place of M. de Chabrol. This gentleman had remained in office during so many changes, that it was reproachfully said of him that he had a mania for devouring office, and so it was but an office, it mattered little to him what kind of one it was or whence it came. He possessed those convenient talents, which, united with general probity of character and considerable administrative capacity, enabled him to hold place in successive but very different Cabinets. But his good fortune drove him seasonably from this, and preserved him from a further participation in its treasonable designs. M. de Polignac, in providing a substitute, was determined, one would think, to have a man as unpopular as himself, hardly less odious than Bourmont, and equally harsh and violent in his politics with La Bourdonnaye; in order that, as La Bourdonnaye had resigned, and Bourmont was to command the African army, he (M. de Polignac) might not stand 'alone in his glory.' Accordingly, he selected M. de Peyronnet, who had served through M. de Villèle's seven years as the *amedamné* of 'the deplorable ministry;' and who was not less obnoxious to censure

on account of his personal character than his official conduct. To adopt Peyronnet as a coadjutor was a sort of desperate defiance of public opinion, an outrage upon the feelings of the Nation. It was equivalent to declaring on the part of Charles, that he and France being now irreconcilably at issue, it was no matter how unscrupulous in principle or detestable in reputation his agents maybe, so they were prepared to enter into and able to assist in, his plan for subverting the Charter.

M. de Peyronnet was created Minister of the Interior, such changes being made among the other members of the Cabinet as to admit him to this post. The immediate object of the arrangement was to bring into action his vigor of purpose, his activity, and his unshrinking readiness to go all lengths, in the hope that by means of these qualities he might be able to influence the pending elections. His office brought him into immediate contact with the multitude of executive agents, who are employed in the internal government of France; and it was upon this point that all his energies were concentrated, so as to spare no efforts of the Government to procure a ministerial majority in the new Chamber. In furtherance of this object, the Ministers addressed circulars to the *employés* in their respective Departments, requiring of them to purchase a continuance in office by blind devotion to their Chiefs, and thus openly setting at nought the whole theory of the Charter, which gave to every man the right

of voting according to the dictates of his conscience, without accountability therefor to the Government. Nay, a proclamation was addressed to the People in the King's name, with a view to overawe the Electoral Colleges, but which had the effect of adding new stimulus to the excited feelings of the liberal party, or rather of the great body of the Nation, for the two expressions are convertible.

Notwithstanding therefore, all the unconstitutional efforts and humbling manœuvres of the Government to break down the freedom of elections, their intrigues failed of the intended effects, and the results of the ballot was a signal triumph of the constitutionalists. Owing to a great number of disputed cases growing out of the method allowed by law for ascertaining the correctness of the electoral lists, the elections could not all be accomplished on the days originally fixed for that purpose, and the 12th and 19th of July were appointed for their completion. When the returns were all received, it appeared that forty-nine persons were added to the liberal representation, the numbers standing, two hundred and seventy, to one hundred and forty-five, without taking into consideration, upon either side, fifteen who remained questionable. More than two hundred of the old members, who voted the famous Address, were reelected, although the whole force of royal indignation and royal vengeance was directed especially against them; and France stood thus directly

pledged, as it were, and committed past redemption, to the principles of that Address.

This triumph of that liberal party was the more signal, inasmuch as it was effected, not by the agency of a turbulent democracy of the poor and dependent classes of men, who might be accused, however unjustly, of levelling principles and feelings. In France, the representation was based altogether upon property. By the complicated system of the Electoral Colleges, the elections were altogether in the hands of the richer citizens, or at least the poorer classes were excluded from any direct participation in the elective franchise. — The qualification was territorial, being the payment of 300 francs annually in *direct taxes*; and a comparison of this with our own system will enable every one to judge of its operation. Nor is this all. The great proprietors were allowed a *double vote*; that is, they voted in two separate Colleges, by virtue of one of the ingenious arrangements of past Ministers for throwing all power into the hands of the aristocracy. Two sets of Electoral Colleges existed, the Colleges of Arrondissements, which returned two hundred and fiftyfour Deputies, and the Colleges of Departments, which returned the remaining one hundred and seventysix. Of the same individuals, who composed the Colleges of Arrondissements, and who voted in them, one quarter part, namely, the quarter paying the highest tax, afterwards formed themselves into Colleges of De-

partments, and there chose additional Deputies. Thus the richest nobles and commoners exclusively elected two fifths of the Chamber, and the same individuals participated with the other property holders in electing the remaining three fifths; being in effect like the system in England by which a person may have a double vote, first in the election of Borough members and afterwards in that of County members, although different from the English system in form. It will be comprehended at once by means of an application to our own institutions. Suppose that of thirtyfour members of Congress in New York, twenty were elected by the votes of all proprietors having an income of 600 dollars per annum, and that the richest quarter part of the same electors chose the remaining fourteen members; and that the systems were uniform throughout the United States. — We shall thus understand the nature of the double vote and the anti-democratic theory of the elections, about which the liberal party in France have so justly complained; and we shall the better appreciate the extent of the victory they gained at this time over the Ministers.

The conduct of the French elections presented a remarkable contrast to what might be seen in England on like occasions. In France, there was, it may be well supposed, abundance of zeal, and no want of vivacity of discussion or feeling; but we may look in vain for any traces of the wholesale system of bribery and corrup-

tion, which disgraces the elections in England. In the latter country, under the reign of rotten boroughs and aristocratic influence; if the franchise was held by a few persons, — by the burgrave tenants, the corporation, the inhabitants paying scot and lot, the *pot-wallopers*, or any other combination, whether a rational or irrational one, of a small number of individuals, — they of course received their *consideration*, their *quid pro quo*, for the representative they very kindly sent to the House of Commons. If the number of voters happened to be large, they might view a contested election as a source of profit, and we have seen in the recent case of Liverpool how reckless they felt even as to the external decencies of corruption, if decencies it can be said to possess in any circumstances. But while scenes of frantic mob-fury, or of impudent undisguised bribery too frequently characterized the English elections, in France a picture of a far different kind was presented to the eye. The electors do not invite candidates to appear and contend for their votes, in France, in order that large sums of money may be presented to or expended among them; but, on the contrary, it has repeatedly happened that the same individual has been coterporaneously returned by several distinct Colleges. In fact, during the long struggle between the liberal and royalist parties, the decorousness and purity displayed in the exercise of the elective franchise by the French, when compared with the violence and corruption, the

treating, feasting, and bribery attending it in England, afford a sufficient answer to the English sciolists, who have so often pretended that their continental neighbors were unprepared for the enjoyment of liberty.

It should be remembered that during the whole period of the elections, and the several months that preceded them, all France had been dazzled and animated by the preparations for the expedition against Algiers, and the movements of the African army; but wholly without producing the effect anticipated by the Ministers. And such was the singular fortune of the Bourbons, that in the last month of their expiring power, in the very July of the Revolution, they were destined to obtain by conquest an accession to the territories of France, which even in the days of her departed glory might have been considered highly important. For it is not a mere barren rock on the Mediterranean, like Malta or Gibraltar, which France has acquired in the capture of Algiers, but an extensive kingdom in the most fertile regions of the continent of Africa.

We are accustomed to think of Algiers, in common with the other Barbary States, as only a nest of pirates at perpetual war with Christendom. The nature of those relations, which European powers have had with the masters of the Mediterranean shore of Africa, might well leave such impressions on the mind, were we not careful to recall, by an exertion of memory, the past condition of that part of the inhabited globe, and its

actual capabilities. It is but opening the book of history to find the populous and powerful Carthage, the capital of a great African Empire, reaching Spain, Sicily, and Sardinia in its dominion or influence, and yielding only at length to the irresistible genius of Rome. To judge of the commerce of the Carthaginians we must consider that there is every reason to believe they had circumnavigated Africa, returning to the Mediterranean by Egypt, and that it is by no means certain they did not find their way across the Western Ocean. When Northern Africa had ceased to be the rival, it became one of the granaries, of Rome; and was a wealthy and populous region, when the Vandals, in the fifth century, having left their name to half of Spain, crossed the sea, and founded a Gothic Kingdom in ancient Carthage, whence the Barbarian Genseric sent forth his expeditions to ravage and sack the Eternal City, and the miserable towns of Italy and Greece. If Belisarius restored Africa to the Empire again, it was but to prepare it to fall into the hands of another band of half civilized conquerors, the Arabs, who made it that which it has since been in modern times. Happily their invasions of Christendom, their long occupation of Spain and parts of France and Sicily, — for even in the latter countries traces of their presence still remain, — and even their sway in Africa itself, have gradually given way before the fortunes of Europe.

Algiers, Tunis, and Tripoli, it is known, have long had substantially the same political condition,

being each the capital of a considerable territory, nominally subject to the Porte, as the great head of the Mussulman Empire, but possessing much real independence. Preferring piracy to the lawful means of gain which navigation affords, Algiers especially has long been the scourge and the terror of the Mediterranean, and by the strength of its position and other natural advantages had been able to defy even the resources and the military talents of Charles the Fifth. The various Christian nations which occupied the shores of the Mediterranean, or who visited that sea for the purposes of commerce, continued for two or three hundred years to submit to the payment of a disgraceful tribute to the Dey as the price of exemption from ravage or capture, which did not prevent the Algerines from being almost constantly at variance with one or another Power, and thus having a pretext for plundering at sea or on land, and making captives to be reduced to a state of slavery. The principle on which this tribute was demanded seems to have had precedents among several of the European nations, much as we are accustomed to regard it with horror as one of the peculiarities of African and Moorish barbarism. The *black mail*, which the novel of Waverley has rendered so familiar to the admirers of Sir Walter Scott's works, seems to have been strikingly similar to the Barbary tribute. And the Sound Dues, paid in passing Elsinour to enter the Baltic, rest on no better foundation; being originally a composi-

tion exacted in the same way by the rulers of those who ravaged the north of Europe, as the Barbary cruisers did the south, and being now little better than a mere gratuitous tribute, continuing to be paid when it no longer is a consideration for exemption from pillage. But the Algerines, in applying to men of European and African stocks indiscriminately, the doctrine in regard to personal servitude, which Europeans would prefer to have exclusively applied to Africans, have gained quite their due share of odium in the eyes of Europe; and the piratical insolence and contempt of right, which so generally characterized their conduct have at length in our own times drawn down upon them the merited indignation of the great maritime powers, and thus finally led to the extinction of Algiers as an independent sovereignty.

The United States having commenced the task of bringing these obstinate sea robbers to reason, Great Britain and the Netherlands speedily followed our example; and her depredations upon the ships and citizens of a portion of Christianity were thus checked. But Algiers continued to receive tribute from various quarters, either directly *eo nomine*, or in the shape of diplomatic presents; and abated but little of her insolence towards the nations, which condescended to temporize with or submit to her barbaric policy. This subject, like the general question of African slavery, has received the attention of various of those European Congresses of the last fifteen years, which assume the right of setting up and

pulling down the weaker States, parcelling out provinces at will, and making or unmaking Kings, under various specious pretexts, of consulting the peace, tranquillity, or welfare of Europe. But it better suited the convenience of the Holy Alliance to make war against Freedom, than to unite in putting down Barbarism. Fortunately, the hereditary conspirators against the rights of mankind have lately received, or are in the course of receiving, their meet reward, in the revolutionary movement which is now shaking their thrones; and their mutual jealousies, which would not sanction any joint effort to chastise the Moors, have suffered Algiers to pass under the dominion of France.

At the time when the expedition to Africa was planned, war had already existed between France and Algiers for the space of nearly three years. It arose out of a trifling incident, so far as regards the immediate cause of it, although afterwards very weighty reasons of another kind were adduced in its justification. Algiers possessed claims on France for supplies furnished to the armies of the Republic in Italy and Egypt. We can judge for our own share, whether it was likely to be an easy matter for the Dey to obtain a liquidation of these claims. The European nations have very peculiar notions as to international law, maritime rights, and so forth. England, France, Spain, Holland, Naples, — all thought it an insufferable grievance to be despoiled by Algiers, when they were at peace with her, of a few hundreds where each

of them, with not a tittle more of right, has despoiled the United States of as many thousands, on the great highway of nations. We suppose the Dey used to have some learned cavil of prize law, or at any rate some convenient ordinance emanating from his own good pleasure, to justify his depredations; and on what better right have our citizens been robbed of so many millions of money by those Powers, which pride themselves upon their European civilization, and their superiority in national equity over the descendants of the Numidians? Again, the Dey, we doubt not, although he had no exchequer tallies, nor kept so much as a register of his receipts and expenses, yet believed that nations ought to pay their debts as well as individuals, and probably saw no good reason why the liquidation of a just claim should be put off for twenty years; and we profess that we can sympathize in the feeling he entertained, that in such matters a very odd system of national morals obtained in Europe. For thus it was with the claims in question, of Algiers upon France. Some years after the Restoration, a commission examined the matter and awarded the sum of seven millions of francs to the Algerine creditors of France; but the French Government saw fit to impound the money to meet some alleged claims of its citizens upon Algiers.

In this state of things, the Dey, weary of attempting in vain to obtain justice by means of the French consul, wrote to the King of France himself, through the

consul of a common friend. This application was left unnoticed. It happened in April, 1827, that the French consul, having some other business to transact with the Dey, waited upon him in full divan for that purpose; and the Dey embraced this opportunity to inquire why his letters were not answered. 'My master,' replied the consul, 'has no answer to make to a man like you.' This most assuredly was an extraordinary answer to be made to the Sovereign of the country by a foreign consul residing there by the favor of that Sovereign; and the Dey was so highly incensed, that he lost his presence of mind, and struck the consul a blow with his fan. Reparation was demanded for the insult to France in the person of her representative and agent; and this being refused, or at least not being offered in terms satisfactory to France, she declared war against the Regency, and immediately commenced the blockade of Algiers. The war had lingered on for three years, nothing more than the blockade having been attempted in all that time. The Villèle and Martignac Ministers had been loath to come to close quarters by making an actual attack upon the fortifications of Algiers,—an enterprise in which so many had failed, and where defeat would redound in such deplorable disgrace and mortification. But other feelings now animated M. de Polignac and his colleagues.

M. de Polignac, as we have before hinted, unquestionably thought to divert public attention from his despotic measures by the brilliant

spectacle of martial preparation and triumph. He expected to gain popularity for his administration by flattering the military pride of the Nation; and he might feel not without hope thus to awaken some little spirit in favor of the Bourbons, should the expedition be attended with victories and final success. Whether he went so far as to suppose he might thus get a disposable force under arms to assist him in bearing down the People, we doubt; because, if he possessed the least forethought, he must have seen that the crisis would pass before any troops, however obsequious their disposition, and however rapid their movements, could be brought from Algiers to act against Paris. And we presume that M. de Bourmont, a brave man and able officer, might look to this occasion, as the means of acquiring military reputation sufficient to neutralize some part of the odium attached to his name; and he would therefore exert all his influence in the Cabinet to urge on the expedition, of which as it subsequently appeared, he was to have the command.

At the same time, the Government did not seek to disguise from themselves the difficulties and dangers of the expedition. No pains were spared to obtain all possible information from every quarter, domestic or foreign, which books or individuals could communicate. All the energies of the country, intellectual and pecuniary, were put in requisition to insure success. In the first place, the Minister of War himself, M. de Bourmont, was made com-

mander-in-chief, and Admiral Duperré, the first naval officer of the Kingdom, was joined with him to lead the naval forces. A numerous army, with appointments on a magnificent scale, a large and powerful fleet, and the whole apparatus of war fitted to the present state of military experience, were to be conducted by officers of tried skill and acknowledged merit.

Indeed, the nature and extent of the preparations may be judged of by the language of the liberal party at different times. When the campaign was first seriously talked of by the Government, it was strenuously and loudly condemned by the Opposition as a Quixotic enterprise against an African barbarian, which would probably fail, and would be of no permanent advantage if it succeeded. They dwelt upon the failures of other expeditions against Algiers, as affording too sure a presage of the fate of this. It was almost impossible, they said, to effect a landing, owing to the tempestuous character of the seas along the Algerine coast, the nature of the shore, and the facilities for opposing the disembarkation of an invading army. If a landing was effected, the soil afforded no forage for horses or supplies for men, and the troops would be consumed by the burning heats of Africa, amid the harassing attacks of the Moors and Arabs, who were habituated to the climate, and would have control of all the resources of the country. It was confidently predicted, therefore, that the French would either never effect a landing

or if they did, would be unable to reach Algiers by land. On the other hand, if the attack should be conducted by sea, as was done by the English under Lord Exmouth, the fleet, they said, would have to encounter a thousand difficulties from the elements, as the blockading squadron had already.

And after all, what permanent good would be accomplished by the bombardment of Algiers? The Dey would be reduced to submission, perhaps killed or deposed: but what then? A horde of pirates, like the Barbary corsairs, renegados and wild Turks, without principles, calculation, or public responsibility, could not be cured of their lawless habits by the same remedies, which applied to the European Governments. So that France was about to lavish her treasure and the blood of her sons upon a forlorn and chimerical attempt, which had no better inducement than a trifling insult inflicted on a French consul, who had fairly earned it by his impertinence.

Such was the cry of the Paris newspapers at the commencement of the preparations; and the English journals kept up the same croaking tone to the last, for reasons to which we shall presently advert. But the French changed their tone, when they found how admirably and effectually everything was arranged for victory. The opposition then began to reproach the Ministers with the idle expense of such profuse and excessive preparations. They contrasted the *matériel* of this expedition with the great undertakings of Napoleon, — scoffing at

the inferiority of Bourmont, who, instead of seeking to accomplish great objects by the powerful combinations of military genius, had trusted nothing to skill, or chance, or talent, but was determined to crush a single city with mighty forces adequate to the subjugation of an empire. It was apparent that the Opposition took a double pleasure in reflecting thus upon the comparative inferiority of the Bourbons in military fame; doing it both to annoy the Ministers, and to counteract the impression the latter had expected to make on the popular mind by the expedition, and at the same time to lower and degrade the reigning dynasty.

To most of these biting sarcasms on their measures the Ministers made no other reply, than to continue their preparations on such a scale as at all events to conquer. This they were determined to do, whatever might be said. But to another part of the subject they gave an answer of a different kind. They were unwilling, it seems to let the expedition rest merely on the ground of a blow given to a commercial agent, — and put forth an elaborate declaration, setting up a long succession of wrongs and grievances as the permanent justificatory causes of war. They alleged, among other things, that France possessed certain qualified territorial rights by a compact older than the Revolution, and that of these rights the French were now debarred by the Dey. Spoliations of French property on the high seas, of course, could be found at any time, if that were

needed as cause of war against Algiers. But the Ministers, not content with making the Dey answerable to France for his acts against the French, brought forward another ground of quarrel, in the depredations of Algerine corsairs upon property of subjects of the Papal States;—which Charles seemed to think he was called upon to avenge as a duty of religion to the head of the Catholic Church. In short, what with the unatoned for injuries of the last three years, and the other grudges of an older date, there was certainly no want of good reasons for the war, considering the subject in relation to the national honor and dignity of France. How largely it served her interest the result will show.

At length all the forces of the expedition were assembled in Toulon, ready for departure. The army consisted of 37,331 men, of all arms, with 4,008 horses, 400 large transports having been engaged for the conveyance of the troops, horses, munitions, provisions, and so forth, to Africa.—The military marine was not less imposing, being composed of nine ships of the line, twentyfive frigates, six corvettes, twentyfive brigs, and eight steamboats, besides bomb vessels and others of small dimensions;—making, together with the troops, a total force of 64,000 men. This magnificent fleet, with the powerful armament it conveyed, set sail from Toulon on the 25th of May, in presence of vast crowds of spectators, collected on the heights to view the splendid spectacle.—The first division of the fleet came

in sight of the coast of Africa in five days afterwards; but the ships having been separated by a storm, orders were given to sail to Palma in Majorca, the place provided for rendezvous in anticipation of the event which had occurred. The expedition setting sail again the 9th of June, reached the coast of Africa on the 13th, and proceeded five leagues west of Algiers to the bay of Torre Chica or Sidi Ferruch, which had been selected as the place of disembarking. The French had always supposed that they should find the coast lined with troops prepared to dispute their landing; and they expected this from a consciousness that the enemy might easily make a stand there to great advantage. But the Dey had, in the blindness of his obstinacy, calculated otherwise; and left the French unmolested, at the very time when his exertions should have been the greatest. Early on the 14th the disembarkation of the troops and munitions was commenced, and continued without interruption until the 17th, when a violent tempest arose, and justified a singular precaution taken to meet such a contingency. The packages, sacks, barrels, and so forth, had been covered with a double water proof envelope, so that, if occasion required, they might be thrown into the sea and washed on shore by the waves uninjured. The plan was put in operation at this time with the happiest effect, and enabled the army to receive supplies from the fleet, in the midst of a hurricane, which rendered all ordinary communication with the shore utterly impossible.

The French were impatient for action, and advanced without loss of time to attack a body of the Dey's troops, which was entrenched at Staonli, about midway between Sidi Ferruch and Algiers. The position was easily carried, although not without some considerable loss in killed and wounded. Meanwhile the French were obliged to wait ten days for the arrival of their battering train, preparatory to marching on the city; and they were attacked in their turn on the 24th. On this occasion a son of General Bourmont received a dangerous wound, of which he afterwards died. In his despatch the General touchingly alluded to this event in the following words: 'One officer has been dangerously wounded: he is the second of four sons who have followed me to Africa. I hope he may survive, to continue his services to his king and his country:—Expressions which are said to have drawn tears of unaffected sensibility from the King. For several days the French continued to suffer from the assaults of the Turkish and African troops; but on the 29th their field-pieces arrived, and they set forward to the attack of a fortress commanding Algiers, called the Emperor's Castle. On the 30th of June the trenches were opened; and the construction of the batteries continued from the 1st to the 3d of July. During this time the fleet co-operated by firing upon the fortifications contiguous to the sea, so as to afford the Dey employment on that side, and prevent his concentrating all his forces for the defence of the

Château de l'Empereur. So much despatch was used by the French in constructing the batteries, that by the morning of the 4th everything was ready, and a fire was opened on the enemy at four o'clock, and briskly returned from the Castle for the space of four hours, after which the fire of the latter nearly ceased. At ten o'clock a breach was effected in the defences of the Castle, and the Turks abandoned it, having first taken measures, by the Dey's order, to set fire to the powder magazine, which exploded with a tremendous crash, blowing up a part of the fortress, and filling the air with flames, dust, and stones. The sound was heard at sea to the distance of sixty miles, and the shock filled the city and the fleet with consternation. No injury, however, was sustained by the besieging troops, which immediately took possession of the smoking ruins, and thus decided the fate of the city, which was now completely at the mercy of the French.

Seeing all resistance vain, and only calculated to produce effusion of blood, and the inevitable destruction of the city, the Dey sent a flag of truce to Admiral Duperré, who referred him to General Bourmont as commander-in-chief. The proposition was to indemnify France for the expenses of the war, and to restore the possessions claimed by her on the coast; but General Bourmont cut short all negotiations at once, by demanding the immediate surrender of the Casaba or Palace of the Dey, the fort, and all the fortifications, and assuring the mes-

senger that nothing else would save the city from bombardment by sea and land. The Dey was not long in agreeing to the terms of capitulation offered him, and hostilities were suspended until the morning, that the conditions might be explained to his council. On the 5th of July, accordingly, the convention was ratified, and the French took quiet possession of Algiers. The Dey was allowed to retire with his family and private property, to any place out of Africa that he might select; as also were his Turkish militia; and the protection of the French was assured to them all, so long as they remained in Algiers. All the other inhabitants of the Regency were promised security for their persons and property, and the unmolested enjoyment of their religion; and the General engaged upon his honor to respect their women. And thus the whole of Algiers, after having so long been a by-word of horror throughout Christendom, passed quietly under the dominion of France.

Exaggerated reports had been current respecting the treasure of the Regency, which rumor had raised to the sum of 200,000,000 of francs; and immediate search was made for it on taking possession of the Casaubá. The French were greatly disappointed to find only 48,684,527 francs in gold and silver bullion or coin, and 5,000,000 of francs in merchandize; and as no regular accounts were kept by the Dey, it was impossible to ascertain how much, if any, had been removed or secreted. It is singular that nothing is said of any jewels or pre-

cious stones as forming part of the treasure; and perhaps the Dey and his counsellors took care to enrich themselves with these more portable representatives of wealth, leaving to the French only the bulkier riches in ingots and merchandize. In addition to which, we are to reckon the value of the shipping and munitions of war captured, including 1542 pieces of artillery, and we shall thus have a total of 60,000,000 of francs, as the whole amount of the booty obtained in Algiers. This proved amply sufficient to defray all the expenses of the expedition, leaving the acquisition of Algiers a clear gain, in addition to all the honor acquired by the conquest, and all the advantage gained by Europe in the breaking up of this great resort of African piracy.

We have spoken of this as a conquest, and we suppose, nay we sincerely and earnestly hope, it will be considered and retained as such by France. This question occasioned great agitation in that country previous to the Three Days, owing to the reciprocal jealousy of the French and English nations. The rumor generally received was, that the Duke of Wellington had demanded explanations of M. de Polignac on this point, and had received assurances that France did not contemplate the subjugation of Algiers with a view to retaining it. No doubt can be entertained, we presume, that such assurances were demanded and given. If they were, it only serves to show the pusillanimity and truckling spirit of Polignac, or rather perhaps his expectation that he might

need the aid of Wellington in furthering the arbitrary designs of the King. But the very suggestion of such a thing, as the surrender of Algiers in the event of its being taken, occasioned, at that time, paroxysms of rage and indignation all over France. What, said they; shall England go on acquiring one kingdom after another by force or fraud in Asia, by mere tricks of diplomacy, by engaging in wars of conquest on the most frivolous pretexts, by fomenting disorders in the bosom of independent States, and then assisting the weaker party with her arms to put down the stronger, and thus usurping the control of affairs, in short, by employing every instrument of art or violence to bring millions after millions within the sway of her already overgrown Indian Empire? Can England do this, and shall not France attack the outlaws of Algiers in a true and lawful quarrel, and take possession of their justly forfeited territory?—England is continually stretching her chain of colonies or factories along the coasts of Africa, wherever she can find or make an opening, and has obtained by conquest from a European State a vast territory of indefinite extent at one end of the Continent; and must France, to gratify her grasping Ally, condescendingly decline to plant a colony at the other extremity of it? Nay, should England be justified in gaining possession of Gibraltar, Malta, and the Ionian Isles, and thus having a line of strong holds as it were along the Mediterranean, to furnish her with means of annoyance

and vexation to the Mediterranean Powers; and could not one of those very Powers themselves venture to retain, after having lawfully acquired, a single new possession on the shores of the Mediterranean? These were the questions everywhere asked, when the subject of English interference in this matter was agitated; and the French had ample reason to speak in the language of resentment and wounded pride; for nothing could exceed the tone of overweening self-sufficiency, which characterized the remarks of some of the most respectable London journals in reference to the Algerine expedition, except the similar tone, which journals of the same political class are prone to employ in speaking of the United States.

The simple truth is, that England has imbibed a strange idea, that no Power is ever to extend its possessions excepting herself. From the moment the expedition to Algiers began to be talked of, the English periodicals displayed a fidgety anxiety on the subject, that would have been ludicrous, but for the unfair spirit, and false principles and views, which it betrayed. Every obstacle to the success of the war, all the storms of the African coast, the impracticable nature of the country, the amazing strength of the city of Algiers, with dark forebodings as to the fate of the poor Frenchmen, who were about to leave their homes to perish amid the deserts of Barbary,—such were the constant topics of the English newspapers. And of course, they said, France would not presume to think of making a permanent con-

quest; she would not dare without the approbation of England; and England would never consent that her rival should make any territorial acquisitions. Perhaps if Charles X. had continued in power he might not have presumed or dared to enjoy the advantages, which a righteous cause and the fortunes of war had placed in his hands. But times are now changed; and France, probably, would no more hear to any remonstrances of England on the subject of Algiers, than if King William should propose to reclaim all that Henry of Monmouth gained, or his son lost, in the heart of France itself. — England manifested the same weakness of nervous irritability in regard to our acquisition of the Floridas; but we have abided the murmurings of her journalists, with as little scathe as they have inflicted on the French in regard to Algiers.

For ourselves, and as Americans, we repeat that, in our conception, not only France herself is to derive advantage from her retaining possession of the whole territory of the Regency, and colonizing it as a French settlement, but Africa above all may hail it as the dawn of her restoration to the advantages of civilization, and the world in general have a right to view it as an auspicious event. It may excite the commercial jealousy of England, who is not particularly unwilling to have the monopoly of all foreign markets, and the exclusive privilege of establishing colonies, factories, and military posts along the coasts of Europe and Asia, Africa and America. But for that very con-

sideration it is important to us, and to all other commercial nations, that France should extend her commerce and strengthen her marine, in order that England may never again recover that overwhelming maritime ascendancy, which, previous to the last war, encouraged her to such extraordinary abuse of power in the oppression of neutral nations. To those, who remember the nautical history of England for the last forty years, and who have observed the great increase and prosperous condition of the French military marine at the present time, this will appear to be no unimportant aspect of the subject. And the advantage, which all mankind are to derive from the seas being forever cleared of the lawless Barbary cruisers is too evident to require illustration or proof.

But as to Africa, so long given up to the domination of roving savages, — for what better are the wild Arabs? — so long known to us only as the *officina servorum* for all nations, — so long debarred of the blessings of Christianity and of its handmaiden civilization, what may not Africa reasonably expect from the establishment of an extensive French colony upon her Mediterranean shore? She may look, in the first place, to see the renovation of a portion of the agricultural wealth, the population, and the commerce of ancient Mauritania. And when the Numidians have been tamed by the authority of France, the interior of Africa will become accessible to the researches of intelligence and the progress of improvement.

Hitherto the exertions of beneficence have been directed to the western shores of Africa; and those exertions have been wasted in vain under the burning skies of the line, along a shore fatal to life by reason of the deleterious qualities of its climate, and amid hostile tribes brutified by the effects of the slave trade. In those noxious regions, noxious both morally and physically speaking, European colonies either perish of disease, or, like some of the little Portuguese settlements, assume the hue of mind and almost the hue of body, proper to the indigenous races. A broad *cordon* of malignant influences of every description seems to be drawn out along this unhappy coast, impenetrable almost to the hopes and efforts of humanity. But place a European people in Barbary, and circumstances change. The deserts of Northern Africa are a trifling obstacle to the approaches of civilization towards the centre of the Continent, when compared with the horrors of its Atlantic border. France will have the power, from this vantage ground, to push the innumerable benefits of European refinement into the heart of Africa. She will have the power, and we trust she will have the inclination, to do all this; but whether she has the inclination or not, if she retains Algiers, the mere indirect influence of her presence cannot fail to be serviceable. And we should therefore exhort her by all means to make good her footing in Algiers, even if it were not for her own great and immediate advantage.

And judging according to all the ordinary rules of human action, it is not to be presumed that France will voluntarily relinquish her hold on a conquest fairly acquired, and which it is for the general good of mankind she should retain, when the strongest considerations of her own individual interest are in unison with everything but the hypochondriacal apprehensions of England. Here is a rich and fertile territory, within three days' sail of Marseilles, fitted to produce all those vegetable treasures, which render the West Indies such a mine of wealth. France has been gradually stripped of one colony after another, until a few small settlements in America are nearly all she retains. England has robbed her of her colonial possessions in the Indian seas, and of the Canadas. She was compelled to sell Louisiana to us as the only means of rescuing it from a like fate. Hayti slipped off her authority during one of the fever fits of the Revolution. In Algiers she may find a colony calculated in some measure to indemnify her for her manifold losses of this description. And the arrangements begun by General Bourmont, and continued by his successor, General Clausel, all point to the permanent possession of the country. The Dey was conveyed to Italy in a French ship, and the Turkish troops were also removed; the tributary chiefs and local governors formerly subject to the Dey were notified that the French had assumed the entire authority of their late master; and courts of justice, with all the other incidents of regular government, were es-

established in due form, analagous to the practice of the British in Hindostan. General Clausel having discovered a refractory disposition in the Bey of Titer, a valuable dependency of Algiers situated in the interior of the country at the foot of Mount Atlas, very speedily brought the Turk to reason by despatching

against him a body of French troops, who took possession of his capital, and sent him prisoner to France. Everything, in fine, short of an express declaration of their purpose, indicates that the Government intend to consult the wishes of the whole Nation, in the disposition to be made of their new conquest in Africa.

CHAPTER XIII.

FRANCE, CONTINUED.

Consequences of the Fall of Algiers. — Ministerial Arrangements. — State of Parties. — The Ordinances. — Their Effect. — Protest of Journalists. — State of the Question. — Protest of the Deputies. — Police Arrangements.

INTELLIGENCE of the capture of Algiers was conveyed to Toulon in about sixty hours by a steamboat, and thence by the line of telegraphs to Paris, where it arrived on the 9th of July. The King immediately ordered *Te Deum* to be celebrated throughout France, and he himself attended the service in the cathedral church of *Nôtre Dame*. A kind of vertiginous madness appears to have seized on the King, the Dauphin, and the Ministers, from that hour. Elated with extravagant feelings of triumph, they deemed themselves sure of the same easy victory over the People, that they had achieved over the flying Bedouins of the desert. An absurd confidence in the support of the army, an almost insane audacity of purpose, an extraordinary delusion as to the spirit, and temper, and power of resistance, and organization of the Nation, all conspired to hurry on the weak Prince and his headlong advisers to swift destruction. In the course of the four or five days which followed the arrival of the news from Afri-

ca, the Ministers wrought up their courage to the requisite degree of strength, on the faith of their late success in war, and resolved upon those memorable infringements of the Charter, which were to precipitate the King from his throne. It is said that M. Guérnon de Ranville and M. de Peyronnet were the last to yield their assent to the meditated *coup d'état*. They had confidence in their ability as public speakers, and were long disposed to try the effect of discussion in the Chambers. But M. de Polignac proved the evil genius of the Monarchy ; for he, who had originally been alone in the nefarious project of overturning the constitution, now succeeded in bringing all his associates into the views of himself, and of the irresponsible advisers, who governed the King.

If they had been a revolutionary committee of old regicides, plotting the assassination of Charles and his family, they could not have conducted their operations with more of guilty stealth and elaborate secrecy. The compo-

sition of the Ordinances, and of the Report to the King or justificatory memoir by which they were to be accompanied, was not only executed by them, but even all the transcribing was performed by them, so that no clerk or amanuensis should have it in his power to divulge the portentous mystery. The Nation was amused with the most earnest assurances that no *coup d'état* was intended, no violation of the Charter, nothing like that, which was already fully decided upon and arranged in all its details; and these assurances were even extended to the foreign Ambassadors, who looked with natural anxiety on the threatening aspect of affairs. Nay, if rumor may be credited, Baron Rothschild, who, by his connexion with the public stocks, had a more direct interest in the question than any person except the Ministers and the royal family, was tranquillized by M. de Polignac with like deceptive declarations. Letters of convocation had been despatched to the Peers and Deputies, summoning them to meet the 3d of August. In short, a system of elaborate jesuitical duplicity and falsehood was adopted by these royal and noble felons, to conceal the conspiracy until the appointed time arrived for exploding their 'infernal machine.' Fortunately they cheated and deluded themselves even more than they did the Nation, and thus became the pitiable victims of their own folly and wickedness.

In reflecting upon the events of this period, it seems difficult to understand how any Ministers

could have been so ignorant of the state of public sentiment in France. The subdivisions of the Nation were by no means of the same kind with those of the Chambers. Opinions, to be sure, were in some sense represented by the legislative body; that is, individuals could be found there of each of the great classes of opinion, which divided the Nation. But the legislative representation was far from exact as a picture of the relative force of each party, and gave no sufficient indications of the existence or vigor of the two, which together comprised a majority of the People.

First there were the Ultras, the *Emigrés*, the Jesuits, the Church and King party, the *divine right* faction: for faction it well deserved to be called, as well in regard of its violence as the comparative smallness of its numbers. If they were few in number, they were desperate and uncalculating in policy, reckless of consequences and deaf to all argument or counsel. They had built up their project of absolutism with painful industry, and they clung to it with inexpressible obstinacy.

You might as well
 Forbid the sea for to obey the moon,
 As or by oath, remove, or counsel shake
 The fabric of their folly.

They blindly pursued their infatuated course on the very brink of the precipice, over which their party could not fail to be dashed to atoms. They do not deserve to be ranked with the genuine Royalists, the sensible, clear-

headed, patriotic friends of monarchy, who sought in vain to preserve the integrity of the whole public system. These last were decidedly attached to the Bourbons as a dynasty, but not the less hostile to the Ultras, who were obviously rushing headlong upon destruction, and hurrying the King, the Charter, and themselves into one common ruin.

There was a name, a form, a memory, which, in the latter part of the reign of Charles, dwelt upon every lip, rose before every eye, held a hallowed spot in every bosom, and yet was proscribed by the Government with impotent fury in all the forms of petty persecution. That name belonged to a usurper, — perhaps to a tyrant, in the modern as well as the classical interpretation of the word, — and yet his form was multiplied in every work of art and taste, and his memory identified with all the glories and splendors of the Revolution. Bonaparte himself was no more; the 'Man' had perished on a desert rock in the midst of the ocean; but the 'Son of the Man' survived; and an ague fit seemed to seize on every fibre of a Bourbon at the very thought. While the inane countenance of Charles Tenth and the common place actions of his family were woven by authority in the brilliant threads of the Gobelins looms, or fatigued the pencil of Gérard and Gros; while Genius, yielding to the voice of Power, was vainly striving to immortalize the looks of men, who possessed an irresistible innate alacrity for sinking into oblivion; while the poor King

was laboriously seeking for the honors of Art by the liberal use of the privy purse, — the inspired and inspiring features of Napoleon, and the achievements of his dazzling career, were independent of the sickly protection of Government patronage, and lived in the unbought guardianship of the Nation. The Press groaned with histories, memoirs, anecdotes, disquisitions, concerning him and his life; and yet the supply seemed to fall far short of the insatiable demand. Sir Walter Scott's eulogy on his character was denounced as a libel, — so inadequate did its praises appear to the craving admiration of the reading world in France. While the Government had no power to check the activity of the Press in thus affording exciting food to the popular enthusiasm, it was rendering itself ridiculous and exposing its imbecility by sending police officers to the distilleries of *eau de cologne* with orders to break the bottles moulded in Napoleon's form, and persecuting the paper stainers who adorned the hangings they manufactured with such disagreeable reminiscences as the bridge of Arcola, the Simplon, or the Pyramids. In short, it needed but a careless eye to see that for once the Government had made a correct observation of a fact. Bonaparte's was the *popular* name, the concentration of everything, which charmed the populace of France. It would be wrong to say that young Napoleon had a visible party; he had not; but the name was a magical word — a potent talisman among the lower classes, a portion of the soldiery,

the disbanded veterans, some men distinguished in civil affairs, and not a few of the higher military, who had grown familiar with victory under guidance of the imperial eagles. But numerous as the Bonapartists undoubtedly were, still as a body they could not be considered the most intelligent members of the community. Men of liberal views in matters of Government knew that his policy was that of concentration, and of course adverse to freedom. It was among the Republicans that the active wisdom, talent, and energy of the Nation were to be found. Here were the men of 1789, true to their first love; the relics of the exalted spirits of 1793, untamed by adversity, clinging in old age to the flattering visions of their youth. Above all, here were the educated and enlightened men of the present generation, the mind of young France, animated by the example of the United States, looking to that country as the pattern of all that is perfect in the theory of Government, all that is useful in its practical application. They constituted a party, — a powerful, numerous, indefatigable party, — ardently attached to republican forms, but willing to dispense with the forms if they could make sure of the substance; temperate and prudent in their plans as they were patriotic in their feelings; and they were gradually working the regeneration of France by preparing her to be fit for the blessings of liberty.

In such a condition of parties, what were the indications, which encouraged the Ministers to in-

vade the Charter? We know not, and they cannot tell, where they discovered any grounds of confidence whereon to proceed. A free Press had been sounding the tocsin of alarm for eleven months. The aristocracy had no power as such; for none could it have after the abolition of the rights of primogeniture. The clergy were divided, unpopular, and without influence. A violent excitation of sentiment pervaded the whole country. The elections had proved the force of popular right, even in spite of the artificially devised system of electoral colleges. All men felt ready to act upon the maxims and motto of a patriotic society, which assumed for its title '*Aide toi, le Ciel t'aidera.*' The People were conscious of their rights, confident in their power to sustain them, and ready to do all and dare all, rather than submit to any arbitrary acts on the part of the King.

It has frequently been observed that the situation and character of Charles X. of France were strikingly similar to those of James II. of England. M. de Polignac might have taken warning from this instructive page in the history of princes, when he saw the readiness of the people to run out the extraordinary parallel to its consummation. In England Charles I., by singular alternations of weakness and obstinacy, contributed to bring on the revolution which led him to the scaffold; and in France Louis XVI., wonderfully like Charles in his virtues and his failings, had reached the same result by the same means. In France as in England

wild utopian schemes of Government, sanctioned by various factions, afterwards agitated a country given up to the usurpation and tyranny of legislative assemblies. The dictatorship of Cromwell followed in England, as that of Napoleon did in France, the military glory and personal talents of these extraordinary men having proved too powerful for the public liberties, while no legitimate monarch ever reigned with greater dignity, or with a truer perception of what the internal welfare of his country required. The Restoration came next; and it needs only the same full development of the history of Louis XVIII., to show how much the one voluptuary resembled the other in his character and the policy of his Government. To each a brother had succeeded; and who could deny that Charles X. was the very *double* of James II. The same weak unreasoning obstinacy impelled each to attempt the overturn of the Constitution, which he was sworn to maintain. Charles X. was not yet dethroned, for the climax of his arbitrary attempts was to come. But everybody was following out the analogy. It was unfolded in the newspapers, discussed in conversation, present to every mind. All the world seemed to say to the King; If you undertake the same enterprise, you must expect the same fate; for your kinsman of Orleans stands ready to play the identical part here, which William of Nassau enacted in England.

It was in such a state of parties, in a crisis like this, when the whole Nation was expecting occasion for oppugnation and pre-

paring to display it, that Charles undertook to assume the swelling port of absolute power. To the only faithful counsellors of his family, he seems to have held the obsolete doctrines of Leontes, forgetting that this was the age of revolutions, constitutions, and equal rights, and not that of the *jus divinum*;

Why need we
Commune with you of this? Nor rather
follow
Our forceful instigation! Our PREROGATIVE
Calls not your counsel; but our natural
goodness
Imparts this;—which, if you, or stupefied,
Or seeming so in skill, cannot or will
not,
Relish as truth, like us,—inform yourselves
We need no more of your advice;—the
matter,
The loss, the gain, the ord'ring on't, is
all
Properly ours.

No reasoning, in fact, could turn back a man, who had acquired the obstinacy of anility without its maturity of wisdom or discretion of character. A brilliant levée was holden at Saint Cloud on Sunday, the 25th of July, at which the members of the Cabinet, the *corps diplomatique*, and the *habitués* of the royal saloon, assembled for the last time to grace the Court of Charles Tenth. Those who were in the secret of the meditated *coup d'état* carefully disguised their feelings under a cheerful exterior; and the great body of courtiers felt easy amid the assurances, direct and indirect, which were holden out to them by the parties to the conspiracy. The famous Ordinances were signed on the same

day, after the close of the levée, and carried to Paris by one of the Ministers to be inserted in the next *Moniteur*. The Keeper of the Seals himself, M. Chantelauze, who had drawn up the Report of which we have already spoken, sent for M. Sauvo, the conductor of the *Moniteur*, to receive the Ordinances for publication. M. Sauvo found M. de Montbel with M. Chantelauze, the two Ministers both exhibiting the greatest dejection in their manner; and he did not disguise from them his own consternation, when he came to understand the nature of the Ordinances.*

Of these Ordinances one suspended the liberty of the Press, another annulled the election of the Deputies, and a third arbitrarily changed the constitution of the future Chambers. The Ordinance relative to the Press consisted of nine articles, which placed all the journals, of whatever kind, under the strict *surveillance* of the Police, so that no periodical writing should appear without authorization, to be renewed every three months, and liable at any time to be revoked or suspended. Had these provisions been constitutional in form, they would have been oppressive to the last degree; but as the Charter assigns the regulation of the Press to *the laws* that is, the concurrent acts of the King and the two Chambers, this Ordinance was a palpable violation of the Charter.

The second Ordinance is brief and pithy. After setting forth as a preamble the 'Being informed

of the manœuvres, which have been practised in various parts of the Kingdom to deceive and mislead the electors during the late operations of the Electoral Colleges,' it merely ordains that '*The Chamber of Deputies of Departments is dissolved.*' Such are the words used, but they are altogether false and deceptive. No Chamber of Deputies then existed. Individuals had been elected to be members of a future Chamber hereafter to be organized; but as yet there was no Chamber. The words of the Ordinance, to speak the exact truth, should have been: 'The late elections of Deputies of Departments are annulled;'—for this and this only was what the Ordinance did, under the jesuitical pretence of exercising a constitutional power to dissolve the Chambers.

To comprehend the remaining Ordinance it is necessary to call to mind the actual and past state of the laws for the choice of Deputies. The Charter provides that, 'The Chamber of Deputies shall be composed of Deputies elected by Electoral Colleges, the organization of which shall be determined by the laws' (art. 35); and that 'Each Department shall have the same number of Deputies that it has had *until the present time*' (art. 36). Previous to the law of June, 1820, the number of Deputies had been 258, all returned by Electoral Colleges, of which there was but one for each Department, and consisting of the whole body of qualified elec-

* For Ordinances, vide second part, page 180.

tors, voting altogether, or in sections, according to circumstances (Loi 5 Février, 1817). After a few years' trial of this system, it appeared to operate too favorably for the democratic principle, and the Ministers devised the ingenious legerdemain of the *double vote*, of which we have before spoken, to augment the power of the aristocracy (Loi 29 Juin, 1820). The Electoral Colleges already subsisting were suffered to remain in substance, with the right of returning the 258 old members as before, only divided into permanent sections, called Colleges of Arrondissements. At the same time 172 new members were added, to be chosen by bodies called Departmental Colleges, composed, says the law, 'of the electors paying the highest tax in number equal to the fourth part of all the electors in the Department' (art. 2). These 172 Deputies, be it observed, were created by a ministerial manœuvre for the sole purpose of giving the nomination of two fifths of all the members to a select body of the aristocracy, in the hope that a small portion at least of the other three fifths would continue favorable to the court-party, so as thus permanently to secure a majority to the Ministers. Of course, this addition to the Chamber and the mode of electing the additional members, had always been vehemently censured by the liberal party, whose influence was thus greatly abridged. One thing more is to be remarked, namely, that the members of the elective Chamber are in the language of

the Charter styled 'Deputies of Departments' (art. 50). This expression would seem to be the true legal denomination for *all* the Deputies collectively; and it is thus applied even in the Ordinance of July 25th, for dissolving the Chamber.

We have premised these explanations in order that our readers may fully understand the mingled meanness, effrontery, and tyranny of the Ordinance relative to the elections. It begins by providing that, 'Conformably to the articles 15, 36, and 50 of the Constitutional Charter, the Chamber of Deputies shall consist only of Deputies of Departments' (art. 1); and that each Department shall have the number of Deputies allotted to it by the 36th article of the Constitutional Charter' (art. 3.) Such are the very terms of the Ordinance; and when we come to render these cabalistical phrases into something more intelligible to us vulgar sublunary mortals, it will be admitted, we think, that M. de Peyronnet, the author of this Ordinance, had practised very diligently upon the maxim of the honest diplomatist, who defined words to be 'instruments employed for concealing one's meaning.' The signification of the latter article is, 'Henceforth the Chamber of Deputies shall contain but 258 members;' thus repealing the law of June, 1820. The signification of the other article is equally abstruse and recondite, and is veiled in a most contemptible quibble. If the sentence had been worded in the simplicity and directness of an honest purpose, it would

have been, 'Henceforth the Deputies shall be chosen by the Departmental Colleges alone.' The singular phraseology actually employed was adopted in a spirit of low cunning, in order to have it seem that the Ordinance was but a restoration of the Charter. So far as regarded the number of Deputies contemplated by the Ordinance it was indeed a return to the Charter; but if the 172 new members elected under the law of 1820 were all unconstitutional, by whom were they introduced and for what purpose? Were they not the creation of the Government? Was not their creation a mere trick, a device, a far-fetched expedient, to enable the Government to return members favorable to themselves, out of the ranks and by the votes of the high aristocracy alone? But what right had M. de Peyronnet to assert, as he impliedly did, that the Deputies chosen by the Colleges of Arrondissements, that is, by the whole body of electors, were not Deputies of Departments within the true intent of the Charter? He undertakes virtually to affirm that none, but Deputies chosen by the newly invented Colleges of June, 1820, are Deputies in any sense, and by force of this notable discovery disfranchises at once all those electors, who under the law of 1817 voted either in the mass or in sections, and under the law of 1820 were permanently organized into sections. The whole electoral power was thus thrown into the hands of the famous 'fourth part,' — les électeurs les plus imposés, — nothing being assigned to the other three fourths but the right of nominating a list

of candidates, out of whom the 'fourth part' should choose half the Deputies.

The Ordinance, of course, never took effect, and therefore is only important in a historical point of view. It was illegal in the same way the others were, inasmuch as it did that by royal decree, which according to the Charter could only be done by enacted laws. It operated in fact a total change of the whole constitution of the Chambers. We have taken pains to give a just account of the mode in which it was devised, because this does not appear to have been well understood out of France, and could not be, indeed, without careful examination of the pre-existing laws on the subject. We should add that another Ordinance convoked the Electoral Colleges according to the new system, and appointed a meeting of the new Chambers that were to be thus unconstitutionally elected, for the 28th of September.

When these ordinances appeared in the *Moniteur*, and began to be generally known, as they were read in the gardens, *Cafés* and *Cabinets de Lecture*, nothing could exceed the consternation they universally occasioned. People in general had, perhaps, been lulled into comparative tranquillity, supposing that the great struggle would not take place until after the regular meeting of the Chambers. They supposed it would be so, because they presumed the King would act with some degree of discretion, and they saw the manifest advantage to him in having the crisis deferred until the Chambers should take some step

of a violent or unreasonable character, so as to give a color of necessity to his arbitrary designs, and thus make sure of the sympathies of Europe. They supposed it would be so, because they saw no token of preparation, on the part of the Ministers, to encounter a popular movement. And they were astounded at the profligate audacity of the Ministers, in thus rooting up all the dearest bulwarks of the Charter at once, and in a manner as insulting to the sense of the Nation, as it was destructive of their liberties. But indignation, a determination to make a stand for their rights, desire of organization, and a looking around for means of resisting the Government, soon took the place in the minds of all men, of the stupor and amazement of the first impression. The leading spirits saw that it was a crisis for boldness not for caution; for action, not for deliberation. The *casus belli* had arrived. If a single encroachment on the Charter had come at a time, the liberals might have doubted and reasoned and calculated, and waited for the next blow, before making a demonstration themselves; but here was a sheet of the *Moniteur*, abolishing the Charter as it were in a paragraph,—here were the guarantees of the public liberty dashed out at once by a single bold sweep of the ministerial sponge:—and the emergency left no alternative to the Nation but slavery or civil war. They could not hesitate which to choose.

Paris contains an extraordinary proportion of intelligent residents, who, by education, taste, or

principle, have always been zealous friends of the popular cause. Vast numbers of schools and colleges frequented by ardent young men thrown loose from the restraints of domesticity, have at all times furnished busy agents in the political movements of this remarkable city. A spirit of liberty was a distinguishing trait of the great scholars and writers, who gave celebrity to the literary departments of the seminaries of education, to which we refer.—Cultivators of the fine arts, men of letters by profession, from the humbler writers for the daily Press or the stage, up to the great names of the Institute, a host of men connected with the professions of medicine and law,—in short, most of those, who depended upon the culture of their understandings for subsistence or for fame, were as a matter of course opposed to the policy of the Government. It would be instructive to inquire why it is that, in France, the intellectual classes are so generally found on the side of the public rights. An American would feel no hesitation in saying that it was the homage of reason to the cause of liberty; a French Ultra would be driven at least to admit that the Bourbons must have played the game of despotism badly, to have driven from them all the enthusiastic hearts, all the brilliant geniuses, all the cultivated minds of a Nation, which had nearly worshipped the iron sceptre of Napoleon. But remarkable as it is that a vast majority of the classes we have described should have been found ripe for Revolution, it is more so

that the great proprietors, the extensive manufacturers, the wealthy capitalists, should have embraced the same cause, with a certainty of encountering great hazards in a pecuniary point of view, and the probability of sustaining immense losses. Such, however, was undoubtedly the fact; and when we add to the individuals already designated, the *commis*, the disbanded soldiers of other days, and so forth, men who are generally better informed than the ordinary *bourgeois* of a European city, we shall find a most imposing aggregate of intelligence on the side of the popular interest at this emergency, without reckoning those veteran politicians by profession, who, in the Chambers or elsewhere, fixed the attention of all France.

The publication of the Ordinances was the signal to the trusted men of the liberal party to confer on the measures, which it behoved them to adopt in self-defence. Fortunately they possessed means of organization, which, if less perfect than the catenation of *bureaux* by which the Government were accustomed to act, were yet sufficiently complete for all the purposes of the occasion. Many of the Deputies were already in Paris, either because they resided there, or as having arrived in anticipation of the coming session. Couriers were despatched into the country to General La Fayette, M. Lafitte, and other influential men, who were near enough to be accessible. It is said that patriotic societies facilitated the adoption of concerted measures, some of these societies being pub-

lic, such as the association called 'Aide toi, le Ciel l'aidera,' formed to aid the liberal party in the late elections;—others of a secret nature, which had been aiming at higher objects, and had veiled their very existence in mystery to avoid the visitation of the laws. We know not how far the events of the Three Days may have been planned and settled beforehand by the leading liberals; but there is every reason to believe that resistance was deliberately decided upon, and all feasible means adopted to make that resistance effectual. If the liberals actually possessed the *Comité Directeur*, which afflicted the wiseacres of the *Quotidienne* so much, now certainly was the time, and here the proper sphere for calling all its energies into action. We shall see hereafter that the leading members of the party did not shrink from any responsibility, which armed resistance to the Government might involve.

On Monday, however, little occurred to open the eyes of the Ministers to the fatal step they had taken. The Government neither saw nor anticipated the civil war, that was to burst upon them the next day. Disturbances, groups of obstreperous students, possibly a fusillade of the mob,—they deemed this the utmost that could occur. But they strangely miscalculated the character of the hour. Unfortunately for the Government, the enterprise and capital of the country, as we have just remarked, ranked with the liberal party. So much of that enterprise and that capital, as was embarked in newspapers or print-

ing establishments of any kind, felt the illegal acts of the Government directly. The Ordinance relative to the Press was important, as an invasion of the right of publishing opinions given by the Charter; but it was also important, as destructive to a large and profitable branch of industry. The printers, and other workmen connected with the Journals, were at once stripped of employment by the Ordinance, and let loose upon society ready for any desperate act. 'My friends,' said one of the great publishers, '*the Press is abolished today; I cannot give you work any longer; go ask it from your good King.*' But the situation of the printers, thus sent abroad into the streets upon a terrible mission of insurrection, exhibited only a small part of the evil. Either from a just apprehension of the effect of the Ordinances, or on purpose to foment disorder, discounts at the Bank were stopped, and the great manufacturers dismissed their workmen and shut up their establishments, probably giving to their workmen the same consolatory advice, which the printers had received. Now when we consider that Paris and its faubourgs contains a numerous manufacturing population, we shall estimate the revolutionary force, which a sudden unforeseen cessation of all work, occasioned by an illegal act of the Government, must place in the hands of agitators; and by such men we shall see it was that the battle of the Three Days was fought. But the unarmed mobs, which alone appeared in Paris on Monday, although they commit-

ted outrages, upon the Hotel of Foreign Affairs on the Boulevards, where M. de Polignac resided, and upon the Hotel of the Minister of Finance, occasioned so little serious anxiety, that the King and the Dauphin went to Rambouillet to hunt the next day, as if nothing peculiar had transpired.

Meanwhile the editors of public journals, — on whom the hand of despotism had fallen more immediately, — whose property was absolutely annihilated by an arbitrary decree of the Government, — performed an act of independence and patriotism, called for to be sure by the circumstances of the case, but still every way honorable to the parties. A portion of them having conferred together, agreed upon a joint Protest against the unconstitutional Ordinances. This remarkable paper, which is dated July 26th, and originally made its appearance in the *National*, is not only interesting in respect of its effect at the time, but also as presenting a condensed view of the legal objections to the Ordinances; and we therefore transfer it to our columns entire, as follows:—

'It has been repeatedly announced within the last six months, that the laws would be violated, that a *coup d'état* would be struck. The good sense of the public refused to believe it. Ministers repelled the supposition as a calumny. Nevertheless, the *Moniteur* has at last published those memorable Ordinances, which are the most daring violation of the laws. Legal government is therefore interrupted, and that of force has commenced.

'In the situation wherein we are placed, obedience ceases to be a duty. The citizens, who are first called upon to obey, are Editors of Journals: it devolves on them to give the first example of resistance to authority, which has divested

itself of a legal character. The reasons, on which they rely are such, that simply to state them suffices.

'The matters, to which the Ordinances promulgated this morning relate, are among those whereon the royal authority has no power, according to the Charter, to decide alone. The Charter declares (Art. 8) that the French, in affairs of the Press, shall conform themselves to the laws; it does not say, to ordinances. — The Charter says (Art. 35) that the organization of the Electoral Colleges shall be regulated by laws; it does not say by ordinances.

'Hitherto the Crown itself has recognised these articles: It has never thought of arming itself against them, either with a pretended constituent power, or with the power falsely attributed to Art. 14.

In fact, at all times when circumstances of an alleged serious nature have seemed to the Crown to demand modifications either in the administration of the Press or in the electoral system, it has had recourse to the two Chambers. — When it was deemed requisite to modify the Charter, in order to establish the septennial election and integral renewal of Deputies, the Crown had recourse not to itself as the author of the Charter, but to the Chambers.

'Royalty, therefore, has of itself recognised and acted upon these articles 8 and 35, and has not arrogated, with respect to these, either a constituent authority, or a dictatorial authority which nowhere exists.

The tribunals, which have a right of interpretation, have solemnly acknowledged the same principles. The Cour Royale of Paris condemned the publishers of the Breton Subscription as authors of an outrage on the Government. It considered the supposition, that Government would employ the authority of ordinances where the authority of law only is admissible, as an outrage.

'Thus the formal texts of the Charter, the practice hitherto followed by the Crown, and the decisions of the tribunals,

all establish, that in things affecting the Press and the electoral organization, the laws alone, — that is to say, the King and the Chambers — can have power to determine.

'Today, then, the Government has violated legality. We are dispensed from yielding it obedience. We shall endeavor to publish our papers without asking the authorization required of us. We shall use all possible exertions that today at least, they shall be delivered to all France. This is what our duty as citizens requires, and we shall fulfil it.

'It is not for us to point out to the Chamber, illegally dissolved, the duties which it has to perform. But we may be permitted to supplicate the Deputies in the name of France, to rest on their evident right, and to resist with all their power the violation of the laws. Their right is as clear as that whereon we stand. The Charter declares (Art. 50) that the King may dissolve the Chamber of Deputies; but that he may do this it is necessary the Chamber should have been assembled, and constituted a Chamber, and indeed that it should have pursued a line of conduct calling for its dissolution. But until it assembles, until it is constituted a Chamber, there is nothing but elections, nothing but returns of members elect. Now the Charter nowhere says that the King has power to annul the elections; and the Ordinances published are therefore illegal, because they undertake to do what the Charter does not authorize.

'The Deputies elected, and convoked for the third of August, are therefore well and truly elected and convoked. — Their right today is the same as it was yesterday. France implores them to remember it. Whatever they can do to maintain this right, it is their duty to do.

'The Government has this day lost the character of legality which commands obedience. We resist it in what concerns us. It rests with France to judge how far her resistance shall extend.*

* The names of the courageous and patriotic citizens, who thus placed themselves in the front of resistance to arbitrary power, belong to history. The declaration is signed by

MM. Gauja, conductor of the *National*,

Thiers, Mignet, Carrel, Chamolle, Peyssé, Albert, Stapfer, Dubochet, Rolle, editors of the *National*.

Leroux, conductor of the *Globe*.

De Guizard, editor of the *Globe*.

Sarrans, jun. conductor of the *Courrier des Electeurs*.

B. Dejean, editor of the *Globe*.

Guyet, Moussette, editors of the *Globe*.

We know not if the annals of history contain a more noble and spirited act of temperate reclamation against the measures of arbitrary power than this. For it is to be remembered that it is not the declaration of delegated agents in behalf of the rights of a community represented by them: nor the manifesto of a convention, or congress, or any other organized body of men. It is a dignified exposition, made by private individuals, of the illegality of the administrative proceedings, by which they are personally aggrieved; and in thus much is entitled to signal praise. But it is also a courageous exposition of the illegality of the Government itself; and in this respect demands the gratitude of all France, and the admiration of the friends of liberty throughout the world. These high-minded journalists had boldly lifted up the veil of illusion,

which habitual deference, and the actual possession of power threw around the position of the King. Confident in the justice of their cause, they had the moral greatness to proclaim to the People, in the language of one of their number, that the body politic was dissolved by the voluntary act of the King, and that by his attack on the Charter, France was replaced in the provisional situation, from which it had been raised in 1814, by the adoption of the fundamental law of the State. The declaration of the editors, being widely circulated and universally read, gave a character of legalized violence to the movements of the Parisian populace. It called upon them not to violate but to uphold the laws; not to levy war against the Government, but to take up arms in defence of the constitutional Government, against the traitorous acts of those, by

MM. Auguste Fabre, chief editor of the *Tribune des Départements*.

Année, editor of the *Constitutionnel*.

Cauchois-Lamaire, editor of the *Constitutionnel*.

Senty, of the *Temps*.

Haussman, of the *Temps*.

Avennel, of the *Courrier Français*.

Dussard, of the *Temps*.

Levasseur, editor of the *Révolution*.

Evariste Dumoulin, (of the *Constitutionnel*.)

Alexis de Jussieu, editor of the *Courrier Français*.

Chatelain, conductor of the *Courrier Français*.

Plagnol, chief editor of the *Révolution*.

Fazy, editor of the *Révolution*.

Buzoni, Barbaroux, editors of the *Temps*.

Chalas, editor of the *Temps*.

A. Billiard, editor of the *Temps*.

Ader, of the *Tribune des Départements*.

F. Larreguy, editor of the *Journal du Commerce*.

J. F. Dupont, advocate, editor of the *Courrier Français*.

Ch. de Rémusat, of the *Globe*.

V. de Lapelouze, conductor of the *Courrier Français*.

Bohain and Roqueplan, of the *Figaro*.

Coste, conductor of the *Temps*.

J. J. Baude, editor of the *Temps*.

Bert, conductor of the *Journal du Commerce*.

Leon Pilet, conductor of the *Journal du Paris*.

Vaillant, conductor of the *Sylphe*.

whom it was administered for the time being. Whether those individuals were Kings or Ministers, it mattered not; for the time had arrived when the divine right of the People was recognised as paramount to the divine right of princes, the former being coeval and coextensive with creation and created men, the latter being secondary to, and dependent upon, the first, — less entitled to the *prestige* of antique venerableness, less fortified by reliance on the wide spread foundations of universal application. Frenchmen had long since ceased to be royal vassals; they had exchanged that condition for the higher one of citizens governed by a Constitutional Charter. While they admitted that the Executive was authorized to compel *their* obedience to the laws of the land, they at the same time maintained that they had a right to compel *his* obedience to the laws of the land. And the declaration of the editors called upon the Nation to uphold the Charter and the laws by justifiable resistance to the usurpation of the Head of the State.

It will have been seen that the editors deny that the Crown possessed any constituent authority, or any general authority by the Charter, to sanction the Ordinances. They allude, in these passages, to the Report of the Ministers, of which we have spoken as accompanying the Ordinances. This document is an elaborate attempt to justify the Ordinances, by general reasonings on the tenor of the Charter. It concludes in the following words:

‘The right, as well as the duty, of assuring the maintenance of itself, is the inseparable attribute of Sovereignty. No government on earth could remain standing, if it had not the right to provide for its own security. This power exists before the laws, because it is in the nature of things. These are maxims which have in their favor the sanction of time, and the assent of all the publicists of Europe.

‘But these maxims have another sanction still more positive, that of the Charter itself. The 14th article has invested your Majesty with a sufficient power, not undoubtedly to change our institutions, but to consolidate them and render them more stable.

‘Circumstances of imperious necessity do not permit the exercise of this supreme power to be any longer deferred. The moment is come to have recourse to measures, which are in the spirit of the Charter, but which are beyond the limits of legal order, the resources of which have been exhausted in vain.’

These extracts set forth two grounds, then, as justifying the Ordinances, namely, the text of the Charter and certain other considerations. The article referred to is in these words: ‘The King is the supreme chief of the State, he commands the forces by sea and land, declares war, concludes treaties of peace, alliance, and commerce, names to all employments of public administrations, and makes *the regulations and ordinances necessary for the execution of the laws and the*

safety of the State.' In addition to the remarks made in the Declaration of the editors concerning the extraordinary power just discovered by the Ministers in the mystical words of this article, we may observe, that the meaning they give it, is not only contrary to the established construction practically received by the Crown, and formally pronounced by the tribunals, but is so extravagant in itself, and so inconsistent with the whole spirit and many express clauses of the Charter, that we can hardly believe the Ministers were sincere in appealing to it for sanction. It was a mockery of common sense to do so. In fact, the Ministers themselves admit that the article gives no right 'to change the institutions' of the country, but 'to consolidate them and render them more stable.' But while the distinction asserted in this admission is altogether imaginary, the very terms of the admission go upon a false assumption of the facts. For who can be so regardless of truth as to pretend that, for the King to undertake the entire reorganization of the Chamber of Deputies, a co-ordinate branch of the Government, is no 'change of the institutions' of France? If, anterior to the Three Days, the Chamber of Deputies had assumed to alter the line of succession, or had even undertaken to negotiate a treaty of alliance with some insurgent nation struggling for constitutional privileges, we fancy the Chamber would hardly have escaped with the excuse, that this did not constitute a 'change of the institutions' of the country, but only a

consolidation of them, and a rendering them 'more stable.' But royal interpreters of constitutions, and royal expounders of the grounds of royal authority, have an incorrigible antipathy to the golden maxim of doing as they would be done by, and to suffering others to claim the benefit of the general rules of construction, which they apply to their own case. And if anything can be certain in the interpretation of the Constitutional Charter, it is that the royal authority in making ordinances shall keep in view the execution of the laws and the safety of the State, as coincident and inseparably associated objects. To suppose that the King, upon his own estimate of the exigency, can repeal or change the laws of the land, nay act in defiance of the Charter, is to make him at once an absolute instead of a constitutional monarch. If there was any clause in the Charter which so placed the King above the Charter and the laws, that he might change both whenever he thought the safety of the State required it, the Charter itself would have been a nullity; for of what use could it be but as a fixed limitation of the powers and rights of the component elements of the State, including as well the King as the rest of the Nation, nay before all and above all including the King?

In the newspapers and other publications of the ministerial party, much had been said, previous to the publication of the Ordinances, of the nature of the principle on which the Charter is founded. Men had not forgotten that when

the imperial throne was declared vacant by the Conservative Senate, it was offered to Louis XVIII. upon conditions, namely, on his accepting the Constitutional Charter, which they proposed as the basis of the new order of things. By a series of tricks, — which in private individuals would be considered highly dishonorable, but which hereditary Kings we suppose are privileged by blood and birth to practise, — and by the countenance of the Cossacs and sundry other congenial apostles of liberty encamped in sight of the Tuileries, — Louis was enabled to evade compliance with the conditions of his restoration to the throne of his ancestors. He found it necessary, however, to do something; and we frankly admit that he did much for France, in the Charter of June 4th, 1814. But in the preamble to the instrument he takes care to make the most offensive reservations concerning his personal authority, the source of his power, and its actual extent. It is ‘Louis, *by the grace of God King of France and Navarre,*’ that speaks. It is ‘Divine Providence’ that has recalled him to his States; that is, Divine Providence acting directly and for his personal benefit, not through the intervention of the national will, nor for the good of the Nation. Accordingly, after suitable reflections upon the liberal spirit of the Louises, the Philips, and the Henrys, who had gone before him, and his own disposition to consult the temper of the times; and finding a precedent for free institutions in the assemblies of the Champs-de-Mars and

de-Mai, he proceeds: ‘For these causes, we have voluntarily and in the free exercise of our royal authority granted, as we do hereby grant, make concession and *octroi* to our subjects, as well for us as for our successors, and forever, of the Constitutional Charter which follows.’ Now many of the shortsighted subjects of absolutism were found stupid enough to contend that, as the Charter was a voluntary grant, concession, or *octroi* of royal authority, the same royal authority might reclaim and resume the whole or any part of it. They forgot that, if it was a voluntary grant, yet it was expressly made **FOREVER**; that his Most Christian Majesty had solemnly sworn to maintain it inviolate; and that if the Crown saw fit to resume this grant thus made forever and sanctioned by oath, the Nation were of course reinstated in the political condition of March, 1814, when they were a free People with a crown to bestow, — with this material difference, that then the deliberations of the People were overawed by the invading host of the victorious Allies, and that now France would be herself again, free in her resolves, mighty in her purposes, and answerable only to the all just God of nations for her sovereign and irremovable decision.

In truth, the Ministers, conscious of the weakness and untenableness of any ground of justification for the Ordinances within the Charter, very frankly appealed for sanction to a certain transcendental power existing ‘before the laws;’ and professedly stepping ‘beyond the limits of legal order,

called in aid the 'supreme power' of sovereignty, growing out of the 'nature of things.' This was certainly frank and fair, whatever might be deemed of its policy, wisdom, or justice. The Ministers openly soared above the lowly regions, the humble terra firma of the Charter, into the clouds and darkness of the 'nature of things' They avowedly took for their authority in issuing the Ordinances, not the powers and rights held by the Crown under the Charter, but the power and right of usurpation for the purpose of making his authority more stable. But in doing this they should have remembered that the power and right of revolution on the part of the People corresponds to the power and right of usurpation on the part of the Crown. In abandoning the Charter, therefore, the Ministers converted Charles into a King *de facto* instead of a King *de jure*; and ceasing to be King *de jure*, he could expect to continue King *de facto*, only by hazarding the venture of a civil war, and submitting the hereditary rights of the Bourbons to the arbitrament of the sword. In voluntarily breaking his oath of fidelity to the Charter, he absolved his subjects from their correlative oath of allegiance, and each party to the social compact, the King and the nation, now stood upon their respective natural rights, or upon what the philosophical M. de Chantelauze denominates power derived from 'the nature of things,' which we take to signify nothing more nor less, when translated from the Olympian dialect of these *dii minores*,

than *physical force*. The People were therefore justified in saying, that the Government had ceased to possess the character of legality, which commands obedience, and that the body politic was in fact dissolved, to be reconstructed, after its elements had once more passed through the fiery trial of civil war. Thus it was impossible to mistake the true nature of the crisis, that was pending over the destinies of France.

By their Protest against the Ordinances, and the publication of it, the editors of the daily journals rendered themselves individually responsible for the declarations contained in the paper to which they affixed their names. It was a noble example; and it was soon followed by the Deputies, who, with the journalists, were the individuals immediately affected by the Ordinances. The Protest of the Deputies, which will be found in another place (part 2d, p. 184) did not make its appearance on the same day, but it was equally clear and strong as to the unconstitutionality of the Ordinances.

However much in earnest the King and his Ministers might be, the declarations of the journalists and the liberal Deputies showed that these were not less so. It only remained to see, in the appeal to force which was approaching, which of the two parties was to be convicted of treason; for it depended on the award of victory to decide whether the King or his People should bear the shame, and incur the forfeits, of treason.

In the course of this day the Police had not been idle, although

its operations were confined within the sphere of its appropriate functions, and the troops were not called to its aid. The two objects of the gendarmerie during the day had been to check the circulation of the journals, and to prevent the concentration of citizens in the walks. An Ordinance under the hand of M. Mangin, Prefect of Police, was promulgated, and posted on the walls in all parts of the city, prohibiting the circulation of any printed writing, which did not bear the names, and so forth, of its author and printer, and also providing that any proprietor of a reading room, *café* or the like, who furnished his customers with papers printed contrary to the Ordinance of July 25th, should be prosecuted, and his establishment closed. The Police went further; and under pretence of suppressing disorderly assemblies, caused the coffee houses and reading rooms to be cleared of visitors, and places of refreshment and amusement to be shut up, including the theatres. Gendarmes patrolled all the streets and places of public resort, watching the movements of the citizens, and anxiously interposing to check any tendency to popular ebullition. The general symptoms of sedition and threatened disturbance, together with the strong feeling of anxiety which pervaded all classes of the community and men of all opinions, led to the closing of several shops and public buildings; and the galleries of the Palais Royal were shut at an early hour. Young tradesmen paraded the streets towards evening, armed with

sword canes, which they flourished in the air with cries of '*Vive la Charter!*' and as night closed in, crowds of artisans and others made their appearance, bearing sword canes, bludgeons, or pistols. But civil war had not yet come. These incidents were only indications of the more excited state of public feeling, which the least struggle between the citizens and the authorities would infallibly engender. The Parisian populace were now in the situation of the baited animal in the lists, who foreseeing a desperate engagement about to arrive, lashes himself into a fury by pawing the earth, tossing his head, and uttering muttered cries, the precursors of a mad encounter with his tormentors. The tumultuary troops of reckless young men, who, in a great city like Paris, are not apt to be slow to embrace such occasions for the development of their superabundant animal spirits, and who now thronged the streets with the watchwords of Liberty, Law, and the Charter upon their lips, needed but little added stimulus and organization to be converted into an insurrectionary civic army, ripe for deeds of courageous self-devotion. Apprehensive that the immediate circulation of the Ordinances, and of the comments of the journalists thereon, would have the same effect in the provinces, that it had in the capital, in waking the People to a state of almost phrenzied excitement, the Police, it is affirmed, took steps to arrest the journals at the Post Office. But the Government had all along found the Press to be a terrible antagonist to their designs;

and their final assault upon it was the signal, as we shall presently see, for the opening of the warfare of the Three Days.

Thus ended Monday the 26th of July. During the night no events of much consequence transpired; nor on the morning of Tuesday had a revolution yet apparently commenced. What signalized the early part of that day was the procedure of the Government in regard to those refractory newspapers, which persisted in making their appearance without the authorization required by the new Ordinance. It will be conceived that the *Moniteur*, the *Quotidienne*, the *Gazette de France*, and other ministerial journals, readily put on the trammels which they were commanded to wear. One opposition journal, the *Messager des Chambres*, followed their example. 'Strong in our consciences and our principles,' say the editors, 'we have thought that an opposition journal was still necessary, not to discuss acts which we will not characterize, and which under present circumstances we cannot discuss, but to collect facts, to give them to the public, and to rectify them if they should be disfigured by the ministerial journals.' But the sentiments and intentions of the great body of the liberal editors, as proclaimed in their Protest, would not permit them to enter into compromise with usurped authority; — and they resisted in various ways, according to the different circumstances in which they happened respectively to be placed.

The conductors of the *Journal du Commerce*, of *La France Nou-*

velle and of the *Courrier Français* were desirous to issue their papers, but found that the master printers whom they employed, intimidated by the threats of the Police, refused to execute the printing. The *Journal du Commerce* speedily obtained a decree of one of the Courts in the following words: — 'Considering the Ordinance of the King of the 25th relative to the Press has not been promulgated according to the forms prescribed by the Ordinance of the 27th of November, 1826, and that of the 18th of January. 1817: We order M. Selligie to proceed to the composition and printing of the *Journal du Commerce*, which is to appear tomorrow.' A decree of the same tenor was directed to M. Plassau, printer of *La France Nouvelle*. The conductors of the *Courrier Français* addressed a circular to their subscribers, stating the controversy with their printer as the reason why their paper did not appear. — 'The dispute,' say they, 'has been referred to the tribunals. We shall employ all legal means to make our right triumph; but we shall not apply for a license, which would seem to imply our submission to acts, which violate the Charter and the laws.' Although no decision was had upon this case until the next day, we may be allowed to anticipate the strict succession of events, and to introduce here the remarkable judgment of the Tribunal of Commerce, as follows:

'Considering that, by an agreement between the parties, Gaultier Laguionie had bound himself to

print for the editors of the journal entitled the *Courrier Français*, and that all agreements lawfully made should be carried into effect, it is in vain that M. Gaultier Laguionie would avoid a compliance with his engagements, on the ground of a notice from the Prefect of Police, enjoining on him obedience to the Ordinance of the 25th, which Ordinance being contrary to the Charter could not be obligatory, either upon the sacred and inviolable person of the King, or upon the citizens whose rights it attacks:—Considering farther that, according to the forms of the Charter, ordinances can only be issued for the purpose of executing and maintaining the laws, and that the above Ordinance on the contrary would have the effect of violating the provisions of the law of July 28th, 1828:—the Tribunal ordains and decrees that the agreement between the parties shall be carried into effect, and consequently condemns *par corps* Gaultier Laguionie to print the *Courrier Français* within twentyfour hours, and in case of his failure so to do reserves the right of the editor to sue for damages, &c.

These decisions of the courts upon the Ordinance complete the singular picture of illegality presented by the operations of the infatuated King. The decisions, which we have given an account of, embrace the whole question at issue; for the ground, on which one of the Ordinances is pronounced unconstitutional, applies equally to each of the other. Here therefore we have the courts of justice directly and

openly countenancing and upholding the citizens in their plans of acting in open defiance of the royal authority, and thus communicating the character of full and perfect legality even to violence, if it should be committed in self-defence against any violence on the part of the Crown. In fine, the tribunals had declared that a revolution would be lawful.

Reverting, then, to the morning of Tuesday, we find the *Temps*, the *Figaro*, and the *National* appearing without a license. The *National* and the *Temps*, especially, by means of well devised secret arrangements, were printed and published in spite of the vigilance of the Police. They were issued gratuitously at their respective offices, and in the same way distributed in various quarters of the city. The conductors of these two papers, who had been distinguished for their zeal and courage, professed a determination to defend themselves and their premises by force, if any violence should be offered by the agents of the Government. Crowds of people thronged their doors, to whom they threw out their papers, with injunctions to every individual to take up arms in defence of his country. Young men ran through the gardens, distributing the *National* or the *Temps* to the eager multitude around, who formed into groups to hear read aloud the ardent appeals to their patriotism contained in those free-spirited journals. In this way, information concerning the Ordinances, and the views of the liberal party thereon, came to be much more universally circulated on Tuesday than it had

been the day before; for that, which had been previously known only to particular classes of persons, was now thoroughly understood by all Paris.

Out of these bold proceedings of the editors of the *National* and the *Temps* grew the first occasion for resort to actual force. Several hours elapsed after the distribution of their papers, before the Ministers decided what steps to take. At length about noon a commissary of Police with a strong force of gendarmes, mounted and on foot, attacked the office of the *National* in the Rue Saint Marc. They demanded admission, but were refused, while copies of the journal were thrown out of the windows, and distributed before the eyes of the gendarmes themselves. At length, these men broke open the doors, seized on the types and other materials, and sent the chief *redacteur* to prison, leaving a guard of mounted officers near the spot. The same things took place at the office of the *Temps*. In addition to which it is said that, finding it difficult to break into the doors of the latter office, the commissary sent for various smiths, who refused to aid him in picking the lock; and he was obliged, at last, to call for one of the myrmidons of the prisons, whose business it was to rivet the chains of the galley-slaves. These operations took up several hours, in one of the most frequented parts of Paris, in

the face of crowds of excited spectators, who cheered on the printers to stand for their interest and their rights, and who regarded the scene as what it really was, an outrageous invasion of private property at the mere lawless will of a tyrant. Every looker on regarded the case as his own, and left the spot full of indignation against the King, the Ministers, and all their subordinate agents, considering their conduct as no better than robbery or housebreaking, and fully resolved to second the editors and printers in manful defence of the Charter. Already the Police were beginning to be satisfied that their efforts had now become of no avail, in opposition to an entire People; for although they had orders to arrest the conductors and editors of newspapers for subscribing the celebrated Protest, in the disorder and confusion of the time they found it wholly impracticable. Well might one of the patriotic editors say, in a circular to his subscribers: 'Between *right* and *violence* the struggle cannot be protracted, and we shall soon see our *national flag* unfurled.' The Press, in short, had done its duty unflinchingly, in early protesting against the illegal proceedings of the Government, in calling upon the People to maintain their rights, and in setting the first example of resistance, of self-sacrifice, and of defiance of tyranny and usurpation.

CHAPTER XVI.

FRANCE, CONTINUED.

The Three Days. — Military Arrangements. — Marmont. — The Garrison. — Dispersion of the People. — Night of Tuesday. — The Citizens arm on Wednesday. — Marmont's Plans. — Deputation of the Citizens. — Movements of the Troops. — Conflict at the Hôtel de Ville. — Retreat of the Troops. — Their Conduct. — Barricades Thursday. — The Polytechnic School. — Positions of the Garrison. — Combats. — Capture of the Louvre. — Evacuation of the Tuileries and of Paris. — Conduct of the People. — Their Losses.

It is one of the remarkable facts connected with the Revolution of the Three Days, that, when the Ministers were about to undertake the overthrow of the Charter,—when they might and should have known the temper and spirit of the Nation,—no military preparations of any sort were made, but everything went on in the blind confidence of undoubting security. Like the stupid ostrich, who is said to plunge her head in the sand, and imagine she has escaped her pursuers because she has voluntarily blinded herself to them, Charles the Tenth rested tranquil in the royal idleness of his nature, under the fancied shelter of his own benighted ignorance. Hence it was that, until Tuesday morning, two days after the Ordinances were signed, no arrangements were made by

the Government to prevent a civil war, or to succeed in it if it should break upon them in spite of their preventive exertions.

In the *Moniteur* of Wednesday, the 28th, appeared an Ordinance conferring the military command of Paris upon Marshal Marmont, Duc de Raguse, dated Sunday, the 25th. But it is said the Ordinance was antedated; and at any rate on the morning of Tuesday, the 27th, M. de Raguse was wholly uninformed of the condition of affairs; for he was actually stepping into his carriage at St Cloud to make an excursion into the country, when his aide informed him of the disturbed state of Paris the evening before, and thus prevented his departure. About noon of that day he was sent for by the King and invested with the command, which he actually en-

tered upon at the Tuileries a few hours afterwards. These facts appeared in evidence in the sequel, when the Ministers were brought to trial before the Peers for issuing the Ordinances.

The exact state of the military force at the disposal of Marmont is also well ascertained by information derived from different sources. It consisted of the Guards, troops of the Line, and others to the amount of about twelve thousand men. The Guards were composed in the outset of three Swiss regiments of infantry, having eight battalions and three thousand eight hundred men; of two regiments of cavalry, having eight squadrons and eight hundred men; and of an artillery force of twelve pieces served by one hundred and fifty men. There were four regiments of the Line, with eleven battalions, and four thousand four hundred men, who almost immediately professed themselves neutral, and who, if they did not aid the People, were certainly of little or no service to the King. There were also eleven companies of *Fusiliers Sédentaires* or Veterans, consisting of one hundred men each, who gave up their arms to the citizens instead of opposing them; and the Gendarmerie, horse and foot, one thousand three hundred strong. Of all this force, only the Guards and part of the Gendarmerie can be considered effective, amounting to about six thousand men, on whom Marmont had to depend to meet the whole population of Paris, a brave and martial people, vehemently excited, many of them discharged

veterans, capable at any time of affording an army of fifty thousand men at a day's notice, and dwelling in a city peculiarly fitted by its style of construction to be the theatre of civic warfare. And yet had the Ministers possessed any forethought for the occasion, troops were to be had in abundance at Saint Denis, Sèvres, Vincennes, Versailles, and other places near Paris, sufficient in number to have balanced, if not overcome, the extemporaneous levies of the citizen-multitude.

When Marmont arrived in Paris, the necessity for prompt measures for repressing disturbances in various parts of the city had become urgent. Immense crowds of the laboring classes were collected in the region of the Palais Royal and of the Tuileries, and near the hotels of some of the Ministers, who, although armed only with bludgeons and stones, treated with utter contempt all the efforts of the Police for their dispersion. The gendarmes rode up and down the streets and squares to no purpose; they were everywhere insulted and reviled. The citizens had now closed their shops, and an overwhelming multitude of men, all animated with the same hatred of the Government, and openly proposing the most daring acts of resistance, inundated the streets in that most frequented quarter of the city. Thus far, it is true, they were only a mob; but they were gradually changing their character, and their reiterated attacks upon the Hôtel Wagram on the Boulevard des Capucines, the official residence of M. de Polig-

nac, must have taught the Premier that what he saw was no transient ebullition of popular heat. Accordingly, at half past four o'clock in the afternoon, Marmont issued his orders to get the troops under arms, and bodies of infantry and cavalry were hastily marched to the Place du Carrousel, the Place Louis Quinze, and the Boulevards. The regular troops were then for the first time called upon to take part in the passing events.

It being now late in the afternoon, and an hour when the great thoroughfares of Paris are always full of people, the crowd continued to increase by the influx of citizens into the narrow streets near the Palais Royal, until these became wholly impassable. The Police having endeavored in vain to open a communication by dispersing the mob, demanded the assistance of troops. In fact, one of the gendarmes had already been killed by the citizens. Hereupon small detachments of the Guard were sent to clear the streets, and preserve order in the vicinity of the Palais Royal especially, as apprehensions began to be entertained that the citizens would break open the shops of the gunsmiths and armorers, which abound in that region, and possess themselves of arms. It appears that the pieces of the troops forming these detachments were not generally loaded, and that they had orders to conduct themselves with moderation and temper, and not to fire unless they were fired upon by the people. One small detachment endeavored to *debouche* by the Rue du Duc de

Bourdeaux, near the Tuileries, but was so closely pressed upon and pelted with stones, tiles, and other missiles, as to be held in check for a while. On the other hand the Guards endeavored to make way by riding among the people and striking them with the flat of their sabres. At this point the firing commenced, and it is singular enough that the first shot was fired by an Englishman. This man, whose name is said to have been Foulkes, lodged at an English hotel at the corner of Rue des Pyramides and Rue Saint Honoré; and as the detachment endeavored to pass he loaded a fowling piece and discharged it against them from the windows. The soldiers fired a volley in return, which killed the Englishman and two other persons. Meanwhile another and a stronger detachment had sought the Rue Saint Honoré by the Rue de l'Echelle, who were also arrested in their progress by the mass of people accumulated in the Rue Saint Honoré between the two detachments. Here was the first example of a barricade, which was formed on the sudden by overturning an *omnibus*, one of the long coaches which ply from one part of Paris to another, and placing it across the street. Behind this off-hand entrenchment, the citizens received the summons of the Guards to surrender, and answered it only with a shower of tiles and pavement stones. At length the troops forced the barricade, and after two discharges in the air fired the third time upon the people, and finally drove them slowly along the street. Other

detachments, sent to the Palais Royal, and further up towards the Bourse, fired repeated volleys upon the people, killing a few and wounding many. Thus by reiterated attacks on the crowds of unarmed men, and especially by charges of cavalry along the narrow streets, encountered only by stones, glass, tiles and so forth, thrown from the houses or from among the mob, the multitude was gradually thinned off early after night-fall; and at eleven o'clock the troops returned through silent and deserted streets to their quarters.

In these incipient operations of the military several things deserve separate attention. The citizens, it will be remembered, were not yet armed, in the proper sense of the word; they had no fire-arms, or anything to resist the attack of the cavalry or other regular troops; for sticks, sword-canes, or even pocket pistols were but poor means of combating with soldiers armed to the teeth. In fact, the citizens fought with the stones and other missiles found on the spot, and with nothing else. They were therefore a mob of rioters, not a revolutionary militia. Still it seems that the usual ceremony of summoning them to disperse by the intervention of the civil magistrate, preparatory to a charge of troops, was wholly omitted. *Qualis ab incepto talis ad finem.* The Ministers had embarked in a desperate attempt to revolutionize the Government, and abolish all the guaranties of liberty; and they did not trouble themselves particularly about the forms of

law, in riding down the unruly *badauds* of Paris.

The incidents of this day afforded to each of the parties engaged some valuable lessons, but the insurgent citizens alone seem to have turned them to profit. What should even then, at the opening scene of civil war, have taught the King to recede, and revoke the obnoxious Ordinances, was the conduct of the troops of the Line. Surely the Ministers could not in reason hope to succeed, with all the moral force of France against them, and all the physical force, also, except a few thousand men of the Garde Royale. Yet that such was the prospect before them, they might have inferred, if they had used their understandings, from the incidents of Tuesday. For at this time the troops of the Line plainly evinced their disposition to fraternize with their fellow citizens against the Crown. A detachment of the fifth regiment of the Line, which was marched into the Place du Palais Royal, was greeted with cries of good will by the people assembled there, and thus early engaged not to fire upon them if ordered. Nor does it appear that any of the troops of the Line, on service this day, co-operated to any purpose with the Guard.

Nevertheless, Marshal Marmont, misled by the apparent success of the first day's operations, and finding the city in a tranquil state in the evening, wrote to the King in the most encouraging language. M. de Polignac, on the contrary, although he is said

to have participated in the delusion of the Marshal, took a very peculiar step in view of all the circumstances. Polignac gave a dinner that evening to the members of the Cabinet, who sat down to the council table at the Hotel Wagram under the protection of a battalion and of several pieces of artillery. It was an extraordinary time to join in festivities, when civil war was breaking out around them in consequence of their violation of the Charter; and they must have felt like a band of conspirators, partaking of Catiline's bloody cup, — *humani corporis sanguinem vino permixtum*. At the close of this their last official feast, they signed an ordinance declaring Paris in a state of siege, and giving up its inhabitants to the horrors of martial law. It needed only this final act of tyranny to fill the measure of their infamy and fatuity, thus to consign over the capital of the Kingdom to military violence, suspending the operation of all civil authority within its limits. — But as to the Parisians themselves, such an ordinance fell harmless at their feet; for they had already renounced the Government from which it emanated, and no longer felt as if they could gain or lose by decrees, when they were fixed to try the issue of arms. And yet the Ministers rested content with the empty menace of an ordinance, instead of taking measures to prevent the citizens from obtaining arms and ammunition. It was represented to the Government that the scattered guard houses about the city,

and the armorers' shops, would inevitably be plundered before the morrow; and that the Arsenal and the powder magazine of Deux Moulins should be properly guarded to preserve them from the same fate. But the good genius of the Nation prevailed, and lulled the Commander in Chief and the Ministers into inaction as fatal to their cause as it was extraordinary.

Some characteristic incidents on the part of the citizens terminated the evening of Tuesday. Desirous to expel the guard stationed in the Place de la Bourse they had set fire to the guard house, a small wooden building; and when the firemen came to extinguish the flames, they suffered themselves to be disarmed by the mob. During the evening the citizens exhibited in this square, and elsewhere in the city, the body of a man killed by the discharge of the guards in the Rue Saint Honoré, inciting each other to vengeance by the view of their murdered compatriot. They then proceeded to destroy the lamps which lighted the city, thus signifying as it were the end of legal order. It is to be remembered that the lamps of Paris are suspended from ropes stretched across the street, whereof such terrible use was made in the former Revolution. By the destruction of the lanterns the narrow avenues of Paris were given up to darkness and mystery, and the populace were left to the secure prosecution of their plans of preparation for the decisive movements of the ensuing day.

The citizens, as we have seen, retired on Tuesday evening, and left the streets in such apparent tranquillity, that Marshal Marmont was completely deceived. But everything was changed before the troops left their barracks the next morning. The National Guard and the tri-colored flag reappeared together on Wednesday, and armed partisans succeeded to the mobs of the day before. Early in the morning, or during the night, the armorers' shops had been entered, the detached guard-houses had been plundered, the *Fusiliers Sédentaires* had given up their arms, the Arsenal had been captured, the theatres had made a distribution of muskets and other arms, and the magazine of Deux Moulins had furnished the insurgents with ammunition for the weapons, which they procured from every accessible source. Add to the quantity of arms obtained by hazard or force, or previously possessed by individuals, that forty thousand equipments had remained with the soldiers of the National Guard, at their disbandment a few years before; and we shall then conceive by what means an abundance of arms and munitions of war was on the instant placed in the hands of the Parisians.

All business but that of war was now completely at a stand. The shops were everywhere closely shut, and the windows fastened and barred, as if in serious preparation for actual siege. Handbills of an inflammatory nature had been profusely distributed during the night, or posted up in conspicuous situa-

tions, where they could easily be read, so as to supply the place of the ordinary journals. The tocsin was sounded, summoning every man to arm for his country, and to aid in ejecting the odious Bourbons from the power they had obtained by foreign force, and now dishonored by their tyranny; and the multitude came pouring in from the faubourgs, to swell the masses furnished by the swarming streets of the city. It was not long before the tradesmen of the royal family took down the royal arms from their doors to deprecate the fury of the armed citizens, and their example was followed by the notaries and other legal functionaries, whose offices exhibited the badges of royal authority. In fact the insignia of royalty were everywhere defaced or taken down, and when they were moveable, suspended to the lamp ropes in scorn, or publicly burnt in heaps, amid cries of *Vive la Charte!* All Paris was now in open insurrection. They hailed with enthusiastic acclamations the appearance of the tri-colored flag, which roused all their recollections of other days of glory, and was inseparably associated in their minds with the idea of national independence. They greeted it as the 'star of the brave,' as the 'rainbow of the free;' and they felt as if starting from a troubled sleep, when they beheld the long proscribed symbol of the Revolution floating once more to the breeze, the consecrated banner of a second struggle with despotism, under the auspices of the citizen soldiers of the National Guard.

It is to be observed, however, that nothing like combination or the influence of responsible leaders was yet discernible. The assembling hosts bore every species of weapon, some rifles or proper military muskets, many of them fowling pieces, pistols, swords, pikes, and even much humbler means of offence and defence. It seemed to be a mere spontaneous outpouring of universal enthusiasm, a sort of instinct of opposition to the King and all who supported his authority, which stimulated young and old alike, from the spruce *bourgeois* who left his counter to have a shot at the Guards, to the hardy *operatives* of the faubourgs, who needed nothing but a fit occasion to convert them into brave and ready soldiers. But however deficient in the regular organization of war these men were, no one could doubt who saw them, that the fate of the Bourbons was sealed. Strong parties began to march down from the Rue Saint Antoine and the quarter above the Place de la Bastille, who occupied the Quai de la Grève, and the contiguous Place de l'Hôtel de Ville, the Place du Palais Royal, and the other open spaces intermediate between those points, and hoisted the tricolored flag on the towers of Nôtre Dame.

Marshal Marmont, it seems, who had left the citizens to procure arms and make their arrangements unmolested since midnight, now began to take alarm, and to view the matter in its true light. At eight o'clock he wrote to the King a long letter, which

miscarried, and again another of the same purport an hour afterwards, as follows :

'Wednesday, 9 A. M.

'I had the honor yesterday of making report to your Majesty of the dispersion of the groups, which disturbed the tranquillity of Paris. This morning they have again formed, more numerous and menacing than before. It is no longer a riot,—it is a revolution. It is of urgent necessity that your Majesty should adopt measures of pacification. The honor of the Crown may yet be saved. Tomorrow, perhaps, it will be too late. I shall take today the same measures as yesterday. The troops will be ready at noon. I await with impatience your Majesty's orders.'

This note exhibits evident marks of having been written in considerable agitation, and under the influence of some despondency, or of great reluctance to proceed to extremities. Marmont had dispersed an unarmed mob the day before by charges of moveable columns in various parts of the city : did he intend to operate in the same way today against an armed militia, as daring as it was numerous ! Such is the intention expressed in his despatch. Fortunately we possess an able and authentic account of the movements of the troops from the pen of M. Bermond de Vachères, a staff-officer of the Guards, which affords a clear insight into the military events of the Revolution, and enables us to give a faithful view of the plan of

operations adopted by Marmont. As for the delay of three hours in setting the troops in motion, the sole reason which can be assigned for it is the anxiety of the Marshal to prevent the effusion of blood, and to afford the King time to send back a pacific answer. No such answer came, however, and accordingly the sanguinary work of war commenced.

Marmont's head-quarters were at this time at the Tuileries, where indeed they continued until the Château was occupied by the citizens, and the contest terminated. This post was defended on the upper side towards the city, by means of six battalions of French Guards, with three squadrons of lancers and the artillery, who formed in order of battle on the Place du Carrousel; and on the side of the Gardens were two battalions of Swiss Guards occupying the Place Louis Quinze. Strong detachments were stationed in the Champs Elysées, to keep open the communication with Saint Cloud by the avenue and barrier of Neuilly. Three regiments of the Line, the 5th, 50th, and 53d, received orders to occupy the Place Vendôme, and so to stretch along from the Rue de la Paix by the interior Boulevards to the Bastille, thus constituting a line in force, which should embrace the whole semi-circumference of Paris on the northerly side. The remaining regiment of the Line, the 15th, was commanded to occupy the large squares of Sainte Geneviève, the Palais de Justice, and the Hôtel de Ville including the Quai de la Grève. His plan it seems was,

after thus securing possession of the Boulevards, Quais, and Places, to keep open a communication through the great thoroughfares of the Rue Richelieu, Rue Saint Honoré, and Rue Saint Denis, by detachments of cavalry or infantry charging upon the citizens as on Tuesday. This plan of operations has been vehemently criticised and censured since; and after an agitating crisis is over it is easy to say how things might have been done to greater advantage. In military events, especially, every body is wise when it is too late, and wonders that a multitude of things, apparently very simple, did not occur at the time to those, on whom responsibility devolved. Much of the reflection cast upon Marmont is nothing, we imagine, but this posthumous wisdom of disappointed men. And the simple truth, as we gather it from the different and often contradictory opinions of conflicting parties is, that the ultimate refusal of the four regiments of the Line to co-operate with the Guards in firing upon their compatriots, was the real cause of Marmont's failure in the successful accomplishment of his purpose. One half of his force, occupying the fixed positions, the *points d'appui* in the city, became, as we shall see, serviceable rather than otherwise to the insurgent citizens, and left the whole contest to the Guards.

The first rencontre between the citizens and the troops occurred unexpectedly at the Hôtel de Ville, before the Guards were put in motion. Between nine and ten Marmont sent a lieutenant and fifteen men to the Place de

Grève* to ascertain whether the 15th regiment of the Line had arrived there. On entering the square this little detachment was immediately fired upon by the citizens, who killed one man and wounded several others, and would have cut off the whole body, but for the timely arrival of a battalion, which had afterwards been ordered to make a *reconnaissance* in the same direction. This incident has been greatly exaggerated in the accounts of the day, drawn up and published at the moment, without any knowledge of the plan marked out for the troops, and of course with a very mistaken idea of the object and direction of their movements. It is only remarkable as the opening scene of bloodshed of this day.

* Noon having come without any orders from Saint Cloud, contrary to Marmont's hopes and desires, he was obliged to commence the line of active operations, upon which he had decided. Reserving only a small force to guard the Louvre and the Tuileries, and having posted the regiments of the Line as we have already stated, he divided his remaining force into four columns

of about equal strength, for the performance of separate duties. The first column, of one battalion, two guns, and two squadrons of horse grenadiers, commanded by the Vicomte de Saint Hilaire, was to move from the Champs Elysées to the church of La Madeleine, and after following the Boulevards to the Rue Richelieu to return to the Champs Elysées. The second column, consisting of a battalion of infantry, two guns, and three squadrons of cavalry, commanded by M. de Saint Chamans, was to follow the Rue Richelieu to the Boulevards, and then wheeling to the right to march by the Boulevards to the Bastille, and thence return by the Rue St Antoine to the Hôtel de Ville, where it was to meet the fourth column. Two battalions of guards with two guns and 30 gendarmes, under M. de Talon, were to proceed to the Marché des Innocens: thence, one battalion was to diverge to the left up the Rue Saint Denis to the Porte St Denis, and then return to the Marché des Innocens, while the other battalion, which in the meantime was to diverge to the right as far as the Place du Châtelet, should

* In the various accounts of the Three Days, the word Place de Grève occurs frequently, but it is not strictly proper. The Hôtel de Ville of Paris is situated on the long side of a large square, which opens upon the northerly bank of the Seine, and is called the Place de l'Hôtel de Ville. A new suspension bridge, called Pont de la Grève, crosses the river at this point. The Quai Pelletier opens into the square on the one hand, and the Quai de la Grève on the other. Near to the entrance of the bridge, and of course at one end of the square, is the place of public executions, where the guillotine is erected on such occasions. The entire locality is popularly called the Place de Grève, from the word *grève*, which means a strand or flat shore; the name, as applied to that spot, being coeval with modern Paris, and undoubtedly derived from the natural condition of the bank of the river there, and its primitive use as a landing-place. The readers of Prior will remember his allusion to the particulars for which the square is now the most notorious.

'Who has e'er been at Paris must needs know the Grève,
The fatal retreat of the unfortunate brave.'

have returned to meet it; and here they were to wait for further orders. The fourth and last column, consisting of one battalion of infantry, a half squadron of lancers, and two pieces of cannon, commanded by M. de Quinsonas, were to proceed along the Quais to the Place de Grève, supported by the 18th regiment of light infantry, and, being there joined by the second column, to maintain themselves in position at the Hôtel de Ville. The several detachments accordingly departed upon the services assigned them respectively; but before giving an account of their proceedings, it is proper to relate some incidents, which soon afterwards took place at the Tuileries.

Such of the Deputies elect as were in Paris, had met repeatedly since the publication of the Ordinances, to consult on the course they should pursue. Between two and three o'clock in the afternoon a deputation from these Deputies, consisting of General Gérard, the Comte de Lobau, and MM. Lafitte, Casimir Perrier, and Mauguin, repaired to head-quarters to confer with the Duc de Raguse, and press upon him the importance of doing something to stop the effusion of blood. M. Lafitte, who spoke in behalf of the deputation, represented to the Marshal the deplorable state of the metropolis, declared in a state of siege, and treated like a town taken by storm, blood flowing in all directions; and declared that the assembled Deputies of France could not but consider him personally responsible for the consequences of a con-

tinuance of hostilities. The Marshal replied that he considered obedience to the royal commands a point of honor as a soldier, and asked for the conditions of armistice proposed by the Deputies, that he might report them to the King. M. Lafitte replied; 'Without judging too highly of our influence, we think we can be answerable that everything will return to order on the following conditions, namely, the revocation of the illegal Ordinances of the 25th of July, the dismissal of the Ministers, and the convocation of the Chambers on the 3d of August.' The Marshal answered, that as a citizen he might not disapprove, nay, might even participate in the opinions of the Deputies, but as a soldier he had his orders, and felt bound to carry them into execution. He was willing to submit their overture to the King; but proposed, as M. de Polignac was now in the Château, to go and request him to receive the deputation. After a short absence he returned with an altered countenance, and informed the Deputies that Polignac declined any conference, the conditions proposed rendering it wholly useless. In fact, the Ministers had fled from their respective hotels, and taken refuge at head-quarters, determined to persist in their folly and madness, amid the rattle of musketry, the roar of cannon, and the peal of the tocsin, with the tricolored flag everywhere displayed before their eyes, regardless of the sufferings they inflicted on their country in the gratification of the senseless ambition of a tyrant. M. Lafitte, when he received the

answer of M. de Polignac, took leave with the simple but impressive declaration: 'THEN WE HAVE CIVIL WAR.'

It would seem that until this time the citizens had entertained some hope of accommodation; and it is stated, in some of the memoirs of the Revolution, that the insurgent multitude did not feel that it was a desperate case, until the deputation of their friends left the Tuileries. Meanwhile preparations had been made on a large scale for resisting the troops in their progress through the narrow streets. The paving stones were torn up, and carried to the upper rooms of the houses, to be hurled on the heads of the troops. Bullets were cast by the women in the shops and at the doors. Those who had arms of any kind stood ready to use them: those who had not, disposed themselves to employ such humble missiles as they could obtain, and to aid their brethren by their presence and acclamations in default of possessing the means of active co-operation. In these circumstances the projected movements of the troops began.

M. de Saint Hilaire's column performed the service allotted to them without difficulty, being marched through spacious streets not inhabited by a *belligerent* population. But their movement, as it was comparatively free of danger, so was it of no consequence in any point of view, — neither benefiting the King nor injuring the citizens.

The second column marched up the Rue Richelieu through a dense crowd, but proceeded along the Boulevards without encoun-

tering much resistance as far as the Porte Saint Denis. Here they were fired upon from the houses, and even from the top of the arch of Porte Saint Denis itself. As the column advanced, the firing increased. When M. de Saint Chamans reached the Porte Saint Martin he found the opposition to his further progress so earnest, that he was obliged to countermarch his cavalry behind his infantry, which, thus unmasked, fired upon the citizens by platoons; and thus, with the aid of artillery, the column broke through the multitude and continued its advance. Meanwhile the citizens had begun to erect barricades in this quarter, and although the troops surmounted them now, yet they were constructed so fast, that it would have been next to impossible for the troops to return the same way. — As the column proceeded, they passed the 50th regiment of the Line near the Chateau d'Eau, or large fountain of the Rue de Bondi, where they had been stationed ever since the morning. Beyond this point, as they approached the Bastille through the Boulevard du Temple and Saint Antoine, they entered into a large mass of the workmen of the faubourgs, surpassing, both in boldness and numbers, the insurgents whom they had previously encountered. The troops advanced in close columns, occupying the width of the Boulevard, preceded by a party of soldiers ranged as sharp-shooters, who fired in the air, and at the windows, their object being to prevent the latter from being securely occupied by the armed citizens. The large open space

of the Place de la Bastille speedily became the scene of a sanguinary contest.

M. de Saint Chamans easily drove out the multitude to make room for his troops ; but the citizens only withdrew to the houses and the numerous streets opening upon the square, from whence they maintained a persevering fire, which of course was returned by the soldiers. The column drove the people before it whenever the attempt was made, but was prevented from marching up the Rue Saint Antoine to the Hôtel de Ville as it had been ordered to do, by the barricades erected in that street, and by the hostility of the citizens, who not only fired continually upon the troops, but poured down upon them a continual shower of stones, tiles, glass, and articles of furniture, from the house windows. Of course, many lives were lost in this quarter, and great injury was done to the houses, by the discharge of muskets and field-pieces. Finding it impracticable, at length, to complete the route assigned to him, M. de Saint Chamans crossed the river at the Pont d'Austerlitz, and as it were stole off to the Tuileries by the back way of the other side of the Seine. The citizens of the Rue Saint Antoine looked upon the movement of the troops in that direction as a triumph, and supposed that they had been recalled in consequence of the success of the insurrection at head-quarters. — Thus nothing was accomplished by this column, which left the citizens in possession of the confident feelings of supposed victory,

and left them free to unite their strength to that of the insurgents in the heart of the city.

The operations of the third column ended still more unsatisfactorily. To reach the Marché des Innocens, they marched through the Rue Saint Honoré, where they were continually exposed to a severe fire from the windows, court-yards, and narrow streets or alleys along their route, and subjected to showers of paving stones and other missiles, to which, as marching in a dense body, they were necessarily much exposed. They were received with a sharp fire at the Marché itself, but soon made good their position, and prepared to execute their orders. M. de Talon lost no time in detaching a battalion up the Rue Saint Denis, but found it necessary to depart from the plan marked out for him, until the return of this detachment should make him feel strong enough to proceed down the Rue Saint Denis to the Place de Châtelet. Accordingly a battalion under Colonel Pleineselve made its way up the Rue Saint Denis to the Boulevards. But in doing so, it suffered severely from the citizens, who, in this quarter, had always manifested a determined spirit. They had erected so many barricades in this street, amounting it is said to thirty in all, that, although the troops surmounted every obstacle, and finally gained the Porte Saint Denis, it was a work of infinite labor and much time ; and when they reached the end of their appointed march, they found that the barricades had been renewed

and strengthened behind them, so that it was impossible to re-join their comrades, and at the same time the Boulevards were equally blocked up on each side of them: so that they were compelled to abandon the field and return to the Tuileries by the Rue du Faubourg Saint Denis and the outskirts of the city.

Meanwhile the residue of the third column was left in a most perilous situation, in the *Marché des Innocens*, blocked up and harassed by a continually augmenting multitude of people, who were walling up the streets with barricades. Finding that his ammunition began to run short, the commander was compelled to despatch an aide-de-camp disguised in the dress of a citizen, to obtain relief. In fact, the troops at this point suffered more, and the conflict waged here was more sanguinary, than at any other point except the *Hôtel de Ville*. The messenger succeeded in reaching head quarters, and a battalion of Swiss Guards was immediately despatched to relieve the disheartened troops. The poor Swiss missed their way, as wiser men might easily have done, amid the blind alleys and crooked streets through which they had to pass; and reached the *Marché* at last, barely in season to rescue the remains of the third column, and conduct them back by the *Place du Châtelet* and the *Quais* to the *Louvre*, where they took a position.

The three columns, whose movements we have followed, were engaged in a series of skirmishes, which ended in defeating

the whole plan of operations for the day, so far as they were concerned. The fourth column alone sustained a genuine battle. It was not anticipated, when they started from the *Tuileries*, that they were strong enough to perform alone the service on which they were sent; for the second column was to have joined them at the *Grève*, which both united were to defend against the citizens. But as we have already seen, the second column was compelled to leave the fourth to its fate; and of course, when the latter reached the *Hôtel de Ville* it found itself alone. They proceeded by the *Quais* as far as the *Pont Neuf*, and there, instead of continuing directly to the *Place de Grève*, they crossed the *Seine*, and passed along the *Quai de l'Horloge* to the *Marché aux Fleurs*, which abuts on the *Pont Notre Dame*, a bridge a little to the westward of the *Pont de la Grève*, and opposite the *Quai Pelletier*, which opens into the *Grève*. The general decided to recross the river by the *Pont Notre Dame*, sending forward a detachment to make a demonstration by the *Pont de la Grève*. At the *Pont Neuf* he had found part of the 15th regiment of the *Line*, which, by virtue of orders from the *Duc de Raguse*, he required to support him in his movement on the *Hôtel de Ville*. One battalion of these troops of the *Line* followed the Guards across the *Pont Notre Dame*, while others remained on the *Marché aux Fleurs* to observe that neighborhood.

Early on this day the citizens

had entered the Hôtel de Ville for the purpose of ringing the tocsin and hoisting the tricolored flag. They did not attempt, however, to convert the edifice itself into a military position, but were contented with occupying the square and the neighboring streets. Here, in the course of the day, they had collected in great numbers, and had become in a qualified degree organized, so as to act in masses and under the direction of leaders. When they saw the troops approaching, they marched forward with drums beating to occupy the bridge, by which the Guards were to cross the river. M. Bermond de Vacherès, the commanding officer, caused his cannon to be brought to the middle of the bridge, and then rode forward himself to conjure the people to retire and give him free passage. But the citizens refused to hear him; and an adjutant having been killed at his side by their fire, he dispersed them by a discharge of grape shot, and occupied the Quai de Gèvres and Quai Pelletier at the termination of the bridge. In the mean time the detachment, which was to cross the Pont de la Grève, and which ought to have waited for the other detachment coming up by the Quai Pelletier, so that both should enter the Place de Grève together, had rushed on impetuously, and entered the square alone, where it was exposed to the whole fire of the people from the houses, the square, and the corners of the streets opening into it. At length the other division of the column came on to the support of their comrades, and they

succeeded in gaining possession of the square, and for a time silencing the fire from the houses, although it was still continued out of one of the cross streets called Rue du Mouton, and from the opposite side of the Seine.

In the Rue du Mouton the citizens had entrenched themselves behind barricades, and severely annoyed the troops on the square. The Guards charged up the street, and carried the barricade, but it was soon retaken by the citizens, who from time to time renewed their fire also from the houses. The Guards had reckoned on being supported in their position by the light infantry of the line, posted on the south side of the river. When, however, the Guards in the Place de Grève began to suffer from the fire of the citizens on the opposite Quais, messages were sent to the officer of the Line who commanded there, and finally he refused to interfere. The consequence was that the citizens, secure behind the heavy stone parapets, which in Paris border the Quais along the banks of the river, and protected in some sort by the soldiers of the 15th regiment, soon filled the Quai de la Cité, on which the suspension bridge of the Grève abuts, and kept up a well sustained fire on the Guards.

Such was the situation of things when a body of cuirassiers, which had been detached from the column commanded by M. de Saint Chamans for the purpose, came to announce to the Guards in the Place de Grève that the long expected column had been obliged to return to head-quarters,

instead of coming to their support. The cuirassiers had fought their way along through innumerable difficulties, and only succeeded in entering the Grève by means of a powerful diversion made by the column there, to assist them in doing it. The cuirassiers were followed by the 50th regiment of the Line, under M. de Maussion. They had voluntarily abandoned their position on the Boulevards to return to their barrack; but finding it occupied by the insurgents, they had continued onward to the Grève, after an express engagement with M. de Maussion not to act against the Parisians, and were now placed in the interior court of the Hôtel de Ville. The commanding officer of the Guards, finding, after five hours of continual firing, that his ammunition began to fall short, now sent to the Tuileries for succor. A detachment of two hundred Swiss accordingly came to their relief; and in the movements necessary for placing the Swiss in the position occupied by the Guards some confusion occurring, the citizens took advantage of it, and made a simultaneous attack on the troops from all points. Although repulsed by the murderous discharges of the Guards, the people continually returned to the attack, with the courage and perseverance of veteran soldiers, giving the Guards but little respite and no opportunity for repose, while the cavalry were perpetually exposed to the plunging fire of the citizens on the Quai de la Cité.

This state of things becoming insupportable to the troops, they

determined to retire into the Hôtel de Ville, abandoning the defence of the square and its outposts. M. de Bermond says that the insurgents *mistaking this movement for a retreat*, followed it up with another general attack. There was no mistake about it. There is no meaning in words if it was not a retreat. The ammunition of the Guards was wholly exhausted, and they were obliged to have recourse for a partial supply to the regiment of the Line, who were quiet spectators of the scene. The Guards were in fact *compelled* to take refuge in the Hôtel de Ville, where they would cease to be a mark for the sharp-shooters among the citizens, and could themselves fire upon the people from a sheltered post, while their horses were safe in the court-yard of the Hôtel. Here, therefore, the troops remained until towards night, when a disguised messenger arrived, and announced to them that they were to evacuate their position, and retreat to the Tuileries as they best could. It was concluded to wait until midnight, when it was presumed the Parisians would have retired to their homes, and then to retreat by the same route they had come, as the Conciergerie and other public buildings occupied a considerable space along the southern Quais, and of course the people were less likely to interrupt their march by firing from windows in that quarter, than from the closely inhabited tenements of the direct course by the Quai de la Mégisserie.

These troops were thus engaged for twelve hours, without any

food, or any refreshment, except a few bottles of wine much diluted with water, which the soldiers bought of some wine-sellers on or near the square. The number of their killed and wounded is variously stated, but amounted, it would seem, to two hundred or two hundred and fifty in all.* The destruction of the citizens was undoubtedly much greater, as they exposed themselves unreflectingly, and were subject to the shot of cannon; but it is difficult to ascertain the exact number that fell at this particular part of the city. Many bodies were thrown into the Seine; and although, as we shall state hereafter, calculations were made as to the number of killed and wounded by the returns of the hospitals, and so forth, yet these calculations do not fix the extent of the destruction of life at the Hôtel de Ville. But all the blood shed here was cheaply expended, the result of its effusion being all important, because it was in fact a decided victory in itself and in its consequences upon the royal cause. The Guards retreated at midnight, as had been arranged, and it was well for them that they did not longer delay their march, as the number of barricades was increasing every hour, and their return would soon have been impracticable. They found the 15th regiment of the Line posted very tranquilly at the Palais de Justice and on the Pont Neuf,

observing a very patient neutrality in this war between Charles X. and the population of Paris.

Thus terminated the military operations of Wednesday the 28th of July. They had wholly failed of their intended effect on every point. Three of the four columns had been fairly beaten, or at least beaten off, in the enterprises they had undertaken. Whatever success they may have had in a military point of view, — for the Carlists flatter themselves with the consolation that in a military point of view the troops succeeded, because they made good certain positions for a time, — yet morally speaking they were totally and absolutely vanquished. There is no question about this in truth and in fact. They had attempted certain objects, and had been driven back to head-quarters, leaving those objects but half accomplished at best, and the field of battle in possession of the insurgents. This would be called victory by all rational men, whatever the advocates of despotism, English or French, may see fit to term it. As for the first column, it did nothing, good or bad, and therefore does not vary the result. We should add that some irregular skirmishing occurred in the course of the day between the citizens and the Gendarmerie, or small parties of the Guards, in the Rue Saint Honoré, the Place du Palais Royal, and the Place des Victoires. Marshal Marmont

* M. de Bermond says there were 50 or 60 wounded *to be carried away* in the retreat. M. Delaunay, another officer, says the wounded amounted to 150 or 200 men. The difference is accounted for by supposing that M. de Bermond speaks of the badly wounded only, and M. de Delaunay of all the wounded. M. de Bermond speaks of 40 men being *hors de combat* at five o'clock.

himself having occasion to visit the post at the Bank, had a narrow escape on the way. With the exception of these little skirmishes, our account of the movements of the four columns of the Guards exhibits all the fighting which took place on Wednesday.

The fatigued and dispirited troops, who had been contending all day under a burning sun in July without any nourishment, found that no arrangements had been made for provisioning them at head-quarters. By some extraordinary neglect, they were left destitute of supplies, when the Government had the command of all the avenues to the city, and might have provided food in abundance. The insurgents, on the other hand, were plentifully supplied with every necessary, the whole city being anxious to succor the wounded and to relieve the wants of all. In the course of the evening, detachments of Guards came in from Versailles and Rueil, about one thousand seven hundred in number; but these, it is said, did not quite compensate for the losses, which the garrison of Paris had already sustained. Much of the loss consisted of soldiers disarmed and dispersed at the different posts about the city before the combats began: the rest, of the killed and wounded in the various engagements. The Guards expected to have been received at the Tuileries by the King or the Dauphin, in whose behalf they had been all day fighting; but those worthy personages, we suppose, had been too busily occupied in hunting, to have time for thanking the il-

merited devotion of their household troops. Towards night the King was fully informed by the Duc de Raguse of the exact state of things, by means of his aide M. de Komierouski, as well as by written communication. Marmont was anxious to impress upon Charles the necessity of some accommodation, as the only method to preserve his Crown. But the only answer the King gave was an injunction to the Marshal 'to persevere, to assemble his forces on the Place du Carrousel and the Place Louis XV., and to act with masses;' thus impliedly censuring the conduct of Marmont in dividing his forces, and scattering them over Paris.

We have occasionally referred to the conduct of the troops of the Line on this day as favorable to the insurgents. Their sense of discipline did not permit them to engage in the insurrection, while on the other hand their political convictions prevented their aiding the household troops. So early as Tuesday a detachment of the 5th regiment, being marched into the Place du Palais Royal, entered into an engagement not to fire on the citizens, and was received by the latter with loud manifestations of applause. It is said that this same 5th regiment being ordered to 'make ready' to fire on the people on the Boulevards, obeyed; and when the word 'present' was given, turned their pieces on their Colonel, waiting for the order to fire. Whether this anecdote is true or not, certain it is, that the three regiments posted along the Boulevards, fraternized with the people in a very short

time, and only maintained their position, without offering any annoyance to the armed citizens, who continually greeted them with cries of 'Vive la Ligne !' The defection of the 15th was more signal, because they were in full view of the Guards on the Place de l'Hôtel de Ville, who stood in pressing need of their support. But all they did was to stand quietly where they were drawn up, gently keeping back the people when they pressed too closely, and complaining to the latter of remaining drawn up under a hot sun all day without meat or drink. The fact is the soldiers of the Line heartily sympathized with the insurgent citizens, and the officers generally concurred with the liberal party in their opinions of the obnoxious Ordinances, and were contented with keeping their men quiet, without seeking to bring them into conflict with the Parisians.

Indeed the Guards should receive the credit of having performed their bloody task with extreme reluctance, and a praiseworthy degree of forbearance, where this was consistent with obedience to orders, greatly to their honor. We have seen what took place on the Pont Notre Dame, before the troops fired ; and the case was not a solitary one. We copy one of the popular accounts, in stating, that when the cavalry of the Guard charged for the first time, an officer cried out to the people, *with tears in his eyes*, 'For the love of God, in the name of Heaven, go to your homes.' When the Guards were ordered to fire from the Hotel on the Quai d'Or-

say, they levelled their pieces above the heads of the people, so as to intimidate without inflicting injury. In the streets, they appeared to feel that they were performing a most painful duty, being evidently filled with gloomy anticipations of the future. It is also remarked of the cavalry that they displayed great forbearance on all occasions. The lancers, cuirassiers, and mounted gendarmes were engaged everywhere, and were the special objects of popular resentment, especially the lancers and cuirassiers, who were pertinaciously assailed in every possible way. They made frequent and furious charges, they were shot and bruised, and their horses killed or lamed under them, by bullets, stones, bottles, and other missiles, and they struck down many persons in return. Nevertheless, it is astonishing how few men were wounded, during the Three Days, by thrusts of the lance or sabre cuts. The cavalry also fired their pistols and carbines frequently, but still with little effect. The comparative inefficiency of their operations may be partly ascribed to the difficulties of their situation, but more to their feelings of humanity, and unwillingness to imbrue their hands in the blood of their fellow citizens.

Their aversion to the service on which they were employed was not diminished by the events of the day. One of the officers of the Guard resigned his commission, in a letter to M. de Polignac, the acting Secretary of War, which deserves to be recorded for the manly sentiment it

speaks. It is in the following words :

‘MONSEIGNEUR :

‘After a day of bloodshed and disaster, undertaken against all divine and human laws, and in which I have borne a part from a respect to human authority for which I now reproach myself, my conscience forbids me to serve one moment longer.

‘I have in my life given too many proofs of my devotedness to the King, not to be permitted, without my intentions being calumniated, to distinguish between what emanates from him, and atrocities committed in his name.

‘I have therefore the honor to beg you, Monseigneur, to lay before the eyes of his Majesty my resignation as Captain of his Guard.

‘I have the honor to be, &c.

‘THE COUNT RAOUL DE LATOUR
DU PIN.’

July 28, 1830.

While discontent, disaffection, and the conviction of being embarked in a bad and a losing cause paralysed the royal troops, the Parisians were busy in confident preparations for renewing the contest on the ensuing day. They had seen the advantage of the barricades hastily thrown up by them during the agitation of battle, and they resolved to avail themselves to the utmost of the facilities which the city afforded, for thus obstructing the evolutions of cavalry and artillery. No sooner had the Guards begun to recede than all classes, ages, and sexes devoted themselves to the

task of heaving up these ready fortifications. The pavements of Paris consist of large cubic stones broken into shape, and these were dug up and piled into thick walls stretching breast high across the streets. These heavy mounds were surmounted or strengthened with barrels full of stones, and large beams and gates, while every species of carriages, the huge diligences of the Messageries Royales or of Laffitte and Cail-lard, the long omnibuses, fiacres, cabriolets, wagons, private coaches, — all were indiscriminately seized, and converted into ramparts to block up the principal thoroughfares. On the Boulevards the fine trees, which adorned that noble avenue, were sacrificed in the cause of patriotism, and cut down to perform their part in the grand system of barricades, which now rendered Paris utterly impassable for horses or any kind of vehicle. In fact, the Guards were thus effectually shut out of every part of the city, except the open spaces which they occupied about the Tuileries.

We may observe that Paris presents facilities, in the style of its buildings, for being put in a state of defence, far beyond the large cities of the United States. The inhabitants of all classes are in the habit of residing in flats, so that a respectable family instead of occupying all the parts of the building as with us, often dwells on a single story, with other families above and below it. Of course they enter from the street by a single door, which is commonly a large *porte cochère*, opening perhaps into a courtyard,

with the buildings in a quadrangle surrounding it. This common entrance is generally kept closed, and is always attended by a porter, whose business it is to open and shut it when occasion requires, and to receive the messages, letters, and so forth, intended for the families within. Thus it happens that the houses present to the street a solid defensible front, difficult of attack, and afford a safe shelter to marksmen, whence they may fire upon troops as they go along with hardly the least degree of hazard. In the narrow streets, where the buildings are lofty, and inhabited by many persons in the humble walks of life, the peculiarities in their construction greatly favored the people, and were in the same way the source of much embarrassment to the military.

Thursday the 29th of July at length arrived. The tocsin had been ringing out its melancholy peal during the night, summoning the citizens to arm for this last day of the battles of liberty. Yesterday and the day before the indiscriminate populace of Paris, the small shopkeepers, artificers, and workmen of the faubourgs, had covered themselves with glory as the unofficered, undisciplined, unorganized soldiers of the Charter. Call them National Guards, or call them citizens, they were at any rate mere popular assemblages, without any responsible head, or any leaders, other than such as boldness of spirit and strength of body created on the spot. But today the aspect of things was changed. La Fayette, Gerard, Dubourg, Lobau, the veteran sons

of the Revolution, wise in council and brave in the field, came forth to communicate vigor and character to the heroic efforts of the Parisians. The assembled Deputies of France had assumed the insurrection, and had given it their sanction as a movement of the French Nation. The *tricolor*, the proscribed badge of regicides and jacobins, the sacrilegious symbol of revolutionary fury, was now the livery of all in Paris, whether high or low, except the beleaguered Prætorian cohorts of the wanton violator of his oath, of the infatuated usurper of the liberties of his native country. Nor were subordinate leaders now wanting, to direct the mechanical operations of actual combat, inspiring by their zeal, and organizing by their science the brave bands of the barricades in these the closing triumphs of the glorious Three Days. The ardent young students of the Schools of Law and Medicine and the beardless boys of the Polytechnic School had appeared occasionally in the scene on Wednesday, but in small numbers and as common combatants. Today they came forth in a body, particularly the young men of the Polytechnic School; and instantly gaining the confidence of the people by their manifest intrepidity and skill, they soon introduced a certain degree of regularity and of discipline among the soldiers of the Charter.

The Polytechnic School (*Ecole Polytechnique*) is one of the noble institutions, to which the Revolution gave birth. It was founded by a decree of the National Convention in 1794 by the name

of Ecole Centrale, and in the following year took the appellation it now bears ; its great utility having secured to it the protection of every succeeding government in France from that time to the present. Its principal object is to give instruction in those branches of science, which prepare for the pursuits of the engineer and the soldier. The ordinary mathematical and physical sciences, together with engineering, civil, military, and naval gunnery, and other departments of the application of abstract science to the arts of peace and war allied to these, form the studies of the Polytechnic School. A large number of excellent officers, engineers, and scientific men have received their elementary education in this celebrated establishment. Pupils are admitted from the age of sixteen to twenty, and are allowed to remain two, and in some cases three years. Notwithstanding their youth, the nature of their studies and the discipline of the institution fitted them to act the part of leaders and officers among the untrained *bourgeois* of Paris.

The numberless advantages of Paris as a place of professional education have rendered it the residence of great numbers of students of law and medicine. Although destitute of the military knowledge possessed by the students of the Polytechnic School, their general intelligence, their standing in society, and their earnest devotion to constitutional principles made them no mean actors in the stirring scenes of the Three Days.

Obedient to the commands of

the King, and taught by the experience of the last two days, Marmont concentrated his forces today in large masses in the neighborhood of his head-quarters. Whatever might have been his intentions if things had proceeded favorably, his actual operations were mostly of a defensive nature. The Guards at this time exhibited a force of eleven battalions of infantry and thirteen squadrons of cavalry, amounting to 4300 men. The four regiments of the Line still remained under the nominal orders of the Marshal, and, notwithstanding their previous conduct, were considered by him in the general disposition of his forces.

To render intelligible the incidents of the day, we must explain the relative situation of the several positions occupied by the troops. The Seine, it will be remembered, flows from east to west through the heart of Paris. Three considerable islands are here formed by the river, the largest of which is the Lutetia of the Romans. 'Lutetiam proficiscitur,' says Cæsar, 'id est *oppidum Parisiorum positum in insula fluminis Sequani*;' and this island is now familiarly termed *La Cité*. Upon it the Palais de Justice and the Cathedral of Nôtre Dame are situated ; for it is not in the wilds of America only that a courthouse and a church form the nucleus of the future city. The Quai de l'Horloge, Marché aux Fleurs, and Quai de la Cité compose the northerly edge of the island, facing the Quai de la Mégisserie, Quai de Gèvres, Quai Pelletier, and the Grève, the localities so often

referred to as constituting the opposite bank of the northern channel of the Seine. The principal interior Boulevards describe a semi-circle resting upon the river, of which the island of La Cité may be considered the centre, and which thus encloses the northern half and the most populous part of Paris. Surrounding the Boulevards thus described are the northern Faubourgs, beginning with the Faubourg Saint Antoine in the east and contiguous to the Bastille, and ending with the Faubourg Saint Honoré and the Champs Élysées in the west. The southerly half of Paris on the opposite side of the Seine is less regular than the other, but has a general correspondence to it in form and appearance.

At the westerly extremity, then, of the city, and adjacent to the northern bank of the river, are the Louvre and the Château of the Tuileries, which although bearing different names, are one connected mass of buildings; and in continuation onward from them are the Gardens of the Tuileries, the Place Louis XV., and the Champs Élysées, extending by the broad avenue of Neuilly to the gate or barrier of that name. The Palace of the Louvre forms a perfect quadrangle, enclosing a public court four hundred and eight feet square, which is entered by passing under spacious vestibules or arcades, one on each of the four sides of the Palace. The Tuileries consisted for a long period of what is now only the main body of the edifice, which comprises a range of buildings on a single line, extending on a ground plan

1068 feet perpendicular to the Seine. Of this range or block of buildings, the extremity next the Seine is called the Pavillon de Flore, and the Pavillon Marsan forms the opposite extremity. It fronts on the Garden of the Tuileries, having its reverse, of course, towards the Louvre, with a large public vestibule or arcade passing under it, so as to constitute an avenue from the Garden to the Louvre. On the side of the river, a range of buildings stretches from the Pavillon de Flore to the Louvre, thus uniting the two Palaces, and forming the magnificent Galérie du Musée, or picture gallery, 1332 feet in length. Another range of buildings constructed by Napoleon, and facing the Rue de Rivoli, extends from the Pavillon Marsan about half way towards the Louvre, it having been his intention to unite the two edifices on this side also, as well as on the side of the Seine. The Cour du Palais, and the Place du Carrousel, on which stands the celebrated arch, are separated only by a gilded balustrade, and occupy the whole space within the two galleries or wings of the Tuileries. The residue of the space between the Palaces is partly open and partly covered with ordinary buildings.

Receding a little from the river and just north of the Louvre and the Tuileries, is the Palais Royal so called, the residence of the Duc d'Orleans, separated from the former by a few short cross streets, and having the Rue Saint Honoré between, a long street which under various names runs parallel to the Seine from

the *barrière du Trone* on the east to the *barrière du Roule* on the west. The *Rue de Castiglione* crosses the *Rue Saint Honoré* at right angles, making a communication from the Garden of the *Tuileries* to the *Place Vendôme*. On the other side of the *Seine*, leaving the *Place Louis XV.* by the *Pont Louis XVI.*, you come successively to the *Palais Bourbon*, occupied in part by the Chamber of Deputies, and in part as the residence of the *Duc de Bourbon Condé*, to the *Hôtel des Invalides* with its extensive esplanade and grounds, and to the *Ecole Militaire* fronting upon the *Champ de Mars*.

It is far from our purpose to give a description of Paris, or of any of the different objects we have designated, all we intend being, to make military operations intelligible by pointing out the situation of certain points with reference to those operations. The troops were distributed at the various positions, of which we have given an account, as follows. A battalion of Guards occupied the *Ecole Militaire*. The grounds of the *Invalides* were left to the defence of the school for staff officers. The *Palais Bourbon* was intrusted to the *Line*, who also extended to the *Place Louis XV.* and the Garden of the *Tuileries*. Three battalions of Guards also formed in the Garden. A Swiss battalion was posted in the *Place du Carrousel*, another in the interior court of the *Louvre*, and a third in the colonnade and windows of the *Louvre* itself. Two battalions of Guards were distributed at different posts along the *Rue Saint*

Honoré, some in the houses, others at the *Palais Royal* and the Bank of France, which is near it. Two others extended from the *Place Louis XV.* along the *Rue Royale* to the church of *La Madeleine* and the *Boulevard des Capucines*. The cavalry were chiefly in the *Champs Elysées* or about the *Tuileries*.

All these arrangements, we repeat, were apparently defensive in their object. *Marmont* had, in compliance with the injunctions of the King, concentrated the troops in masses all around the *Tuileries*; and in so doing he might continue to maintain that position against the people. But what then? The Nation was now in arms; and what could a few thousand guards accomplish against the whole of France? Would the Ministers counsel the King to bombard Paris? If they intended effectually to treat it as a besieged city, the question would have come to that; and then it would have been advisable for *M. de Polignac* to ascertain whether he could find troops of the *Line* enough to invest Paris in regular siege, and carry matters to the extremity of destroying the metropolis. It is well known that no such orders would have been submitted to by any of the regular troops. What then, we ask once more, could Charles hope to effect by means of his masses? We profess that we do not see anything of a more practicable nature in the operations of Thursday than in those of Wednesday, notwithstanding the generosity and good sense of the *Carlists*, who are disposed to cavil in every way

at the proceedings of Marmont, and to throw on him the blame of a failure, which arose out of the intrinsic rottenness of the cause itself.

Let even handed justice be dealt out to all parties. A blind infatuated King attempted to suppress the liberties guaranteed to the nation by the fundamental law of the land. Weak and narrow minded counsellors became the dishonorable agents of his usurpation and perjury. They made no fitting preparations, in fact no preparations at all to compel obedience to the unlawful decrees of their master. When the day of trial came, and a revolution had already commenced, they called upon a Marshal of France to command the forces which garrisoned the capital, in the expectation that he would achieve an easy victory over a yielding mob. He made such a disposition of his troops as the views of the time recommended to him, and he failed, because his forces were inadequate to accomplish his purpose, and because the despised mob proved to be a brave and warlike host. Whether the plans of Marmont were judicious or not is wholly immaterial. Whatever they had been, and however fortune might have favored their execution, their success would but have caused greater effusion of blood: for all France, including the army itself with the exception of the Guards, was against the King, and sooner or later he must have yielded to numbers, notwithstanding any temporary advantage he might have enjoyed in his attack on the Parisians. The

King and his Ministers should therefore bear the blame of their folly and insanity in the entire transaction, and in each and all of its parts, instead of meanly seeking to throw the responsibility for failure upon Marshal Marmont. His real error, in our judgment, was of a political, not a military, nature; it consisted in his undertaking the task of dragging the citizens into submission, not in his failing to accomplish it.

But to return to our narrative, these arrangements of the troops having been made, the People themselves became the assailants, in the movements of this day. The armed citizens surrounded the various points of Marmont's line, and maintained an incessant discharge of musketry upon it from every quarter. Their exertions were particularly directed to the Louvre and the Tuileries, the centre of the royalist position, which they endeavored to carry by repeated assaults, conducted with the bravery and pertinacity of veteran soldiers. Sheltering themselves under the parapet walls along the southern bank of the river, and standing even behind the pillars of the Institute, which is on that side of the Seine and opposite to the Louvre, they fired with comparative impunity upon the troops stationed in the latter edifice. The citizens fought with equal resolution, but at great disadvantage, on the other side of the Louvre toward the Palais Royal, particularly from the square of the Church of Saint Germain l'Auxerrois.

Early in the day the officer of the Line who commanded at the

Palais Bourbon, entered into negotiation with the citizens, which resulted in his peaceably withdrawing his troops into the garden of the Duc de Bourbon, leaving the insurgents in possession of a post, which commanded the Place Louis XV. They retained it for some time, greatly to the annoyance of the Guards; on whom they could now fire from the shelter of the columns in front of the Chamber of Deputies and from other points of the edifice. The troops of the Line stationed in the Place Louis XV. soon retreated to the alleys of the Champs Elysées, without returning the fire, and a body of Guards was compelled to march across the Pont Louis XVI. and dislodge the citizens from the Palais Bourbon. When they had done this, they found the regiment of the Line in the garden of the Palace, keeping entirely aloof from the combat.

At about the same time two regiments of the Line, stationed in the Place Vendôme, shouldered their muskets with the butts in the air, and abandoned the Marshal to his fate. When Marmont received intelligence of this additional defection, he became satisfied that a continuance of hostilities was perfectly idle, now that his two wings, which composed half his force, had deserted him, leaving his centre to sustain the war alone; and he proposed an armistice, in the hope that an accommodation might yet be made with the King that should put an end to the insurrection. M. de Sémonville, a peer of great authority and influ-

ence, who held the office of grand referendary of the Chamber of Peers,—an office created for managing the pecuniary and business affairs of the Chamber,—repaired to the Tuileries this morning, to insist in the name and behalf of the Peers, that conditions of accommodation should be procured from the King. The wishes of Marmont, as we have repeatedly observed, were decidedly adverse to the course he had been required to pursue, and no man was more anxious than he to bring about peace. M. de Sémonville maintained the same ground, which M. Lafitte had taken in his interview with Marmont the day before. But this energetic nobleman went further than to demand of the Ministers that they should resign. He proposed that they should be arrested on the spot if they refused to resign; and his representations had so much effect, that the Ministers repaired to Saint Cloud at eleven o'clock, for the purpose of presenting to the King their resignations. They left the Tuileries just before the defection of the troops of the Line; and Marmont had so much confidence in their success, that he distributed a pacific proclamation, conjuring the citizens to lay down their arms in the prospect of immediately obtaining all they demanded. But an unexpected and most important advantage was just then obtained by the citizens, which accomplished a total change in the whole aspect of affairs, and decided the question forever against the reigning dynasty.

Marshal Marmont, it will be

recollected, had posted three battalions of Swiss Guards at the Louvre, one in the colonnade and galleries, another in the inner court, and another in the Place du Carrousel, that is under the windows of the *Galérie du Musée*. The position of the two Palaces, thus occupied, has been considered impregnable by the best military judges, and was so pronounced on this very day by competent persons, who examined it without having any interest in the question to bias their opinions. When the regiments of the Line deserted their stations in the Place Vendôme, a post so important on account of the access it gave to the Tuileries, the Marshal hastily ordered one of the battalions of Swiss from the Louvre to supply the place of the revolted troops. The Louvre was already garrisoned rather insufficiently, considering how hotly it was attacked by the citizens; and the battalion which occupied the building itself was absolutely indispensable to the defence of the position. It happened, unfortunately for Marmont, that the Swiss in the Louvre were commanded by the Comte de Salis, the officer who lost his way the day before in going to the succor of the troops in the *Marché des Innocens*, and who seems not to have possessed a very clear understanding. By an extraordinary error in judgment or singular mistake of his orders, this officer, instead of sending either of the two battalions in the courts, marched off the very corps, which alone defended the Palace itself.

The Parisians, of course, im-

mediately perceived that the firing from the Louvre had ceased, and pressed their attack with renewed zeal. Finding still that they encountered no opposition, they at length crowded in at the lower windows, and took possession of the whole interior of the edifice, first occupying the windows which overlooked the inner court, and then the *Galérie du Musée*, which commanded a long space beneath as far along as the arch of the Carrousel and the court of the Tuileries. Suddenly the Swiss in the court of the Louvre found themselves exposed to a deadly fire from the windows of the Palace above them, and struck with a sudden panic they fled in disorder into the Place du Carrousel. At the same time the Parisians opened their fire from the *Galérie du Musée*. Filled with consternation at the continuance of this unexpected fire from all the windows of the Louvre, the whole body of Swiss rushed precipitately into the railed court of the Tuileries among the lancers drawn up there, followed close by the fire of the Parisians. All was now confusion. The Swiss thronged towards the arched vestibule under the Tuileries, which leads from the Place du Carrousel into the Gardens, overturning everything before them, and converting what at first was only a retreat into a wild disorderly rout. But here, at this very vestibule, were the head-quarters of the army, and here was the Marshal himself. Marmont was carried along, surprised and astounded by the precipitate retreat of his own troops, and hastily made his way into

the Garden, where the flying battalions again formed. But the day was now irretrievably lost. Seeing the troops waver, the citizens pressed on from this side, and Marmont was obliged to order his troops to evacuate the city, and retreat with all possible despatch upon Saint Cloud.

Marmont was driven so suddenly from the Tuileries that he had no time to remove the military chest, or to take any measures to preserve his outposts from destruction. The detached parties of Guards in the Rue Saint Honoré, in the barrack of the Rue de Babylone, and elsewhere, who knew nothing of the events at the Tuileries, were overpowered, and mostly killed by the triumphant citizens, who thus gained absolute possession of all Paris. The citizens rushed into the Tuileries, as promptly as they had entered the Louvre, and the princely halls of the Château, its rich dormitories, and the secret cabinets of royalty itself, were speedily filled with the profane crowds of the populace of Paris, and the People were now in reality the Sovereigns of France. Charles had ere this recalled the illegal Ordinances, and accepted the resignation of his Ministers ; but all too late ; for while he was deliberating on the subject the reign of the Bourbons had ended, and the sceptre had passed away from their hands. A Revolution, as glorious in its consequences as it was in its achievement, had been accomplished in the short space of three days, and France was free.

We should greatly overstep the reasonable limits assigned to our

yearly chronicle of events, if we attempted to relate the individual traits of patriotism and heroism, which ennobled the Revolution of the Three Days. The newspapers and popular publications of the day have abounded with anecdotes of the self devotion of the boyish students, the common workmen, nay the women of Paris, which would have done honor to the spirit of old Romans. But the course of our narrative confines us to the leading incidents and the general results of the contest. The bravery of the citizens has been so frequently signalized in the preceding pages, that we need not dwell upon it here. But we should do the Parisians extreme injustice not to speak of the spirit of good order, of obedience to the laws, of deference to the rights of person and property, of courage tempered with mercy, which distinguished their conduct throughout these trying scenes. The Government did everything in its power to introduce anarchy and confusion. It wantonly violated the Charter. It declared Paris in a state of siege, thus silencing the ordinary courts of justice, and substituting the arbitrary will of a soldier in the place of the regular movement of the laws. But the People were more virtuous than the King. In the midst of the heats and violence of civil war, the citizens respected private property with as much sedulous care as if the laws had possessed their accustomed vigor. No private resentments were prosecuted, no booty was unjustly acquired, during a period, when unbridled license would have

seemed to be the order of the day. The citizens took possession of arms wherever they could find any ; but neither the treasure of the Bank nor the riches of the Tuileries could tempt them to lose sight of the high and noble purpose, which animated them in the great controversy, now put to the issue of war. The meanest individual seemed to feel that he was fighting the battles of the Charter, and the feeling exalted him above the scope of every lowly passion, rendering him as high minded in principle as he was courageous in conduct.

On the other hand, however, it is necessary that we should carefully exercise our judgment, in considering the events of this period, to avoid being misled into false views. We have no disposition to detract from the merits, or to disparage the sufferings and sacrifices, of the brave Parisians during the ever memorable Three Days. Our hearty sympathy with their cause is sufficiently apparent in every page. Nor could we desire that so noble a triumph as they achieved, so grand a Revolution as they accomplished, should have been achieved or accomplished at greater loss of human life than actually occurred. Still we must say that the exaggeration and rhodomontade of the popular accounts of the engagements of the Three Days pass all bounds. The whole effective force of Marmont, as we have seen, never exceeded six thousand men ; and on Wednesday the 28th, when the real battle of the Revolution was fought, this force was cut up

into detached columns, which engaged separately with large masses of citizens. The conflicts in the Place de l'Hôtel de Ville were the most desperate and sanguinary of the whole day. And yet after all there were but a thousand men here of the royalist troops. But the terms of grandiloquence applied to the discharges of so small a force would shame a bulletin from the field of Borodino, or any other scene of terrible carnage, where death has gathered up his victims by hundreds not by units. We suppose the hyperbolical extravagance in question is to be pardoned to mere civilians, who were unused to scenes of blood, and who had really displayed as true courage and gained as imperishable glory, as if the bloodshed of the Three Days had been answerable to the horrors of a pitched battle between contending empires. But while we pardon, we cannot but condemn it as an unworthy trait in itself, and as tending greatly to impair the credibility of the early accounts of the Revolution. These accounts are extremely inaccurate in many respects, as they give no complete idea of the military events of the Three Days, even where they are substantially true, and as they state many important things as fact which never took place. The repeated capture and recapture of the Hôtel de Ville, the storming of the Louvre and of the Tuileries, — these are imaginary incidents, which appear in bold relief in newspaper articles of the time and in other equally authentic sources of information. Some of the sketches

published would represent the loss of the troops as being greater than the whole number of troops engaged in the contest. But it is not so. In fact it has been pretty satisfactorily ascertained that the loss on both sides did not exceed three thousand men in killed and wounded. Deducting, however, whatever is exaggerated in the popular statements concerning the Revolution, enough of glory remains to the Parisian population, and enough of consequence in the victory achieved, to render it one of the most interesting events in modern history.

CHAPTER XVII.

FRANCE, CONTINUED.

Provisional Government of Thursday. — La Fayette. — Proposal of the King. — The Duc d'Orleans made Lieutenant General. — State of Paris. — Expulsion of the Bourbons. — Remarks.

WE gave in the preceding chapter, a sufficiently minute history of the military events of the Three Days, which in so brief a period completely destroyed the power of Charles Tenth. But in the emergency of a popular Revolution, it is often easier to destroy than to renew, easier to overthrow existing institutions than to establish new ones in their place. Fortunately on the present occasion the People, who for the time being had resumed their natural authority, were temperate and judicious in their views, and after they had fought for and won their liberty, returned peaceably to their ordinary pursuits, leaving to the chosen and respected public men of the Nation to reorganize the forms of Government. The *Moniteur*, that expressive chronicle of political changes, did not appear on the 29th. Being the organ of the rulers *de facto*, who may happen to have the control of affairs, how could it speak on that day when there were no rulers? It was an *interregnum* alike

of the Government and of the *Moniteur*. But on Friday it reappeared under the dates of July 29th and 30th, with the following official article :—

‘PROVISIONAL GOVERNMENT.

‘The Deputies present at Paris have found it necessary to assemble to remedy the serious dangers, which threatened the security of persons and property. A Commission has been appointed to watch over the interests of all, in the entire absence of a regular organization.

‘Messrs Audry de Puyraveau, Comte Gérard, Jacques Lafitte, Comte de Lobau, Mauguin, Odier, Casimir Perrier, and de Schonen, compose the Commission.

‘General La Fayette is Commander in Chief of the National Guard.

‘The National Guard are masters of Paris at all points.’

These few sentences proclaimed to France and to Europe, the triumph of the Charter and the downfall of its assailants.

The individuals composing the Commission were universally known as the uncompromising advocates of the popular cause on occasions without number, and their names were a sufficient guarantee to the People at large of the character of the measures they would pursue, even had not La Fayette been announced as commander of the National Guards.

In fact, to the population of Paris these appointments were not a novelty. No longer restrained by considerations of delicacy, or any fear of compromising themselves, the Deputies had assembled at the house of M. La Fayette on Thursday, and made various arrangements of great importance. In placing La Fayette at the head of the National Guard, they had appealed to the old sensibilities and historical recollections of the People, in the same way the popular leaders of Wednesday had done in raising the tricolored flag. La Fayette and the tricolor were equally, under the Bourbons, proscribed memorials of the Revolution. — Immediately on receiving his appointment, he announced his acceptance in a proclamation, inviting the Mayor and Municipal Committees of each arrondissement of the city to send officers to the Hôtel de Ville to receive his orders. In this paper the Commission, of which we have spoken, are styled the Constitutional Municipal Committee of the city of Paris. It was soon after announced that the Comte Alexander de Laborde was appointed provisional Prefect of the Seine, and Baron

Louis Minister of Finance. Various proclamations were issued on that day by General La Fayette, by General Dubourg, whom the citizens themselves had at first installed in temporary command and who subsequently acted under La Fayette, and by the Deputies. The latter, in the midst of an ardent appeal to the citizens to arm, apprises them of the appointment of La Fayette to the command of the National Guard, and also announces the establishment of a Provisional Government. 'Three most honorable citizens,' say they, 'have undertaken its important functions: These are Messrs La Fayette, Choiseul, and Gérard.' It does not appear that the Duc de Choiseul ever acted under this authority; but his associates entered immediately upon the zealous discharge of the duties assigned to them. The Hôtel de Ville became the seat of public affairs once more, as it had been in former times of revolution. In fact, in everything the days of popular rule seemed to be restored. But it was by the lavish use of the name, influence, and exertions of La Fayette that order was in reality maintained. He was replaced in the command of the citizen soldiery which he had led in 1789. His name was invoked by the Deputies in their proclamation as the talisman of public safety. And he again was put forward as first in the Provisional Government, which the exigencies of the time called into being. Never was more honorable tribute paid to the popularity, integrity, patriotism, and self-de-

votion of any man, in ancient or modern times, than in the spontaneous resort of the casual depositaries of power to La Fayette, as the only individual in France, whose personal influence could supply the total absence of an established or admitted government derived from the laws. In the unpretending form of Commander of the National Guard, he in fact exercised the functions, which, in ancient Rome and in the Republics of South America, would have belonged to the name and authority of Dictator.

When Polignac and his colleagues arrived at Saint Cloud, and laid down that power, which they had used so disastrously for their King, they could persuade the infatuated prince to listen to arguments of accommodation only by awakening his apprehensions for the safety of the Duchesse d'Angoulême, who was then on her return from a journey, and knew nothing of what had transpired. His fears that a single member of his family might suffer, outweighed, in his selfish mind, all consideration of the lives of his subjects and the miseries of a protracted civil war; and to these fears, not to any principle of public good, he yielded himself up, in consenting to recall the fatal Ordinances and appoint a liberal Cabinet. The Duc de Mortemart, who was in service at Saint Cloud as Captain of the Guards, was made Prime Minister, and empowered to select his colleagues. He began by naming Comte Gérard Minister of War, and M. Casimir Perrier Minister of Finance; and

these nominations appear in the *Bulletin des Lois*, although they never found their way into the *Moniteur*. A deputation from the King repaired to the Hôtel de Ville towards evening to propose an accommodation, but discovered that it was too late, and that there was no longer any hope for Charles or his dynasty; and with these consolatory tidings they returned to Saint Cloud.

Among those who had the control of public affairs at this time, the general sentiment already pointed towards one individual, who alone could give consistency to the Revolution, by embracing the popular cause as his own. The Duc d'Orleans united in his person a multitude of considerations, all marking him out as the personage whom France now needed at the head of her Government to give consolidation and respectability to the new order of things, and assure to it the confidence of Europe. It was a consummation to which, as we have before explained, all eyes had long been looking, as a possible if not a probable event. Perhaps in this case, as in many other great changes which history records, the anticipation of this result had a decided influence in leading to its accomplishment. It is true that many of the victorious party desired pure republican forms, in place of a monarchy of whatsoever degree of liberality. Others there were, who still proudly cherished the name of Napoleon, and urged that the dynasty of victory and the Revolution should be restored to power in the person of the Duke of Reichstadt. But

the great current of opinion, — and in such a crisis opinion is everything, — ran in favor of the family of Orleans.

As the wealthiest subject of France, the Duc d'Orleans possessed that hold on the public regard, which great riches, worthily and liberally employed, are calculated to impart. His rank placed him next to the reigning family, and of course drew attention to him, whenever the subject of a substitute for the elder branch of the Bourbons came to be discussed. The Duc d'Orleans, it will be remembered, was lineally descended from Philippe, only brother of Louis XIV. from whom Charles X. derived his descent, the common ancestor of the two families being Louis XIII. son of Henry Quatre, the splendor of whose qualities had perpetuated his memory in the hearts of the French, in spite of all the odium attached to the misrule of his posterity. At the same time, as the Duc d'Orleans had no claims to the succession, so long as the Dauphin, or his nephew, the Duc de Bordeaux, or any legitimate posterity of theirs, survived, the elevation of the former would be a revolutionary act, a violation of the *jus divinum* principle, a departure from the line of hereditary succession; and therefore the Duc d'Orleans would owe his crown to the choice and free will of the French Nation, just as much as if he were a mere soldier of fortune elevated by his bare personal merits from the subaltern duties of the camp, and the indiscriminate ranks of the People. If he ascended the

throne, it must therefore be by compact, and on such conditions as the public voice should see fit to impose.

And whatever recommendation the Duc d'Orleans gained by his proximity to the royal family, he derived a still greater one from his immediate parentage, his education, his own personal character, and the qualities of his family. The son of the Montagnard Philippe Egalité, who contributed more than any other single individual to heave Louis XVI. from his throne, inherited a revolutionary taint in his blood, from which no elements of royal relationship in its composition could purify it,—and was thus driven from the affections of the restored royal family into unavoidable sympathy with the Nation. At an early age, the then Duc de Chartres, with his two younger brothers, was intrusted to the tuition of Madame de Genlis, who conducted his education entirely upon the plan of Rousseau's Emilius, thus giving a hardihood to his body and a masculine freedom to his mind, which seldom fall to the lot of modern princes. Having completed his education, he joined the famous Jacobin Club in 1791, and during the same year entered into active service as colonel of a regiment in the army of the North. In that age of hard fighting and rapid promotions the Duc de Chartres did not languish for the want of employment or honors. Through a quick succession of engagements in the spring and summer of 1792 under Biron and Luckner he rose to the rank of lieu-

tenant general, and in September commanded the second line of Kellerman's army at the battle of Valmy. Soon afterwards he joined Dumouriez, and participated in the brilliant though brief career of that general, commanding his centre in the great battle of Jemappes, and being equally distinguished to the close of the campaign.

The family of Orleans becoming subject to the proscription of the National Convention, on account of the suspicions awakened by their family connexions, the Duc de Chartres fled into banishment, and unfolded a still brighter page in his character to the eyes of the world. Refusing the tempting offers of military rank made him by Austria, because he would not bear arms against his country, he nobly disciplined his spirit to a life of humble obscurity, and submitted manfully to the necessity of employing a part of his time in the duties of a village schoolmaster in the Grisons. — The fall of Robespierre somewhat bettered his condition, by enabling him to enter into correspondence with his friends, and he then passed several years in travelling about Europe, chiefly on foot. During his wanderings in the North of Europe, he was recognised, and again received the offer of military command, and again refused to bear arms against his country. Meanwhile he had become Duc d'Orleans by the

death of his father; his two brothers, the Duc de Montpensier and the Comte de Beaujolais, having continued to be held imprisoned in France. But in 1796 the Directory offered to liberate the two brothers on condition they should all retire to America. — The Duc d'Orleans gladly accepted this condition, and immediately embarked for the United States, where he arrived in 1796, and was soon joined by his brothers. They remained in America several years, examining our country, studying its institutions, and acquiring the esteem of our most distinguished citizens. In 1800 they went to England, and resided at Twickenham in honorable poverty, nobly refusing to live the dependent pensioners of a foreign Government at war with France, or to participate in the petty intrigues of the little court of Hartwell. In 1807 the Duc de Montpensier died of consumption,* and the Comte de Beaujolais being threatened with the same disease, he and his brother repaired to the Mediterranean. At Malta, soon after landing, the Comte de Beaujolais died; and from this period until the Restoration the Duc d'Orleans resided chiefly in Sicily, where he married a daughter of the House of Naples.

Previous to the Hundred Days, he held a high command in the army, under Louis XVIII.; but since the second Restoration he had been living altogether in re-

* The Duc de Montpensier was buried in Westminster Abbey, in Henry the Seventh's Chapel. At the exhibition of Somerset House in 1830, one of the most beautiful objects of sculpture was a monumental statue in marble of the Duc de Montpensier, executed by Westmacott, (No. 1170,) a memorial of the continued regard of his surviving brother.

tirement, improving his estates and educating his family. How far this seclusion was forced upon him by the jealousies of the reigning family does not distinctly appear ; but that it was owing to this, in part at least, is evident from his not having acted in the Chamber of Peers. There are two articles in the Charter touching this point, one of which is said to have been inserted by Louis XVIII. with special reference to the Duc d'Orleans and his family. One of these (Art. 30,) provides that 'The members of the royal family and the princes of the blood are Peers by right of their birth ;' the other, (Art. 31) that 'The princes cannot take their seats in the Chamber but by order of the King, expressed for each session by a message, under pain of the nullity of everything which may have been done in their presence.' — While the admission of the Duc d'Orleans to the Chamber depended on the caprice of the Ministers, he could exercise influence in the State only as a private individual ; and he seems purposely to have kept aloof from the contests of party, except so far as the conduct of himself and family was a continual expression of sympathy with the Revolution. The more exalted, it is true, of the liberal party complained that the desire of the Duc d'Orleans to prosecute certain territorial or pecuniary claims of his on the Government prevented his acting openly in the Opposition. The support he afforded to some liberal measures had given displeasure to Louis XVIII., and led to

his receiving an intimation from that King, that it would be judicious for him to abstain from all part in public affairs. Had he resisted, and thrown himself warmly and publicly into the ranks of the Opposition, he would have proved a dangerous enemy of the Government, by whomsoever it might be administered. But without his doing this, his entire life and his well known sentiments, spoke for the part he would take, when a proper occasion should arrive.

Undoubtedly the decaying domestic condition of the reigning family, as compared with that of the House of Orleans, contributed to augment the unkindly feeling, with which this liberal minded and patriotic prince was viewed at the Tuileries. He was looked upon by the King and the Dauphin as a collateral heir, preparing to step into the heritage of their expiring line. The Dauphin and Dauphiness were old and childless ; and saving the Duc d'Angoulême, only a boy of uncertain health kept from their hereditary throne the descendant of the ambitious and unscrupulous Regent, the son of the more ambitious and less scrupulous Egalité. While the fear of the contamination of liberal principles, added to the not less anxious fear of assassination, consigned the Duc de Bordeaux to the seclusion of private tutors amid the luxuries of royal life, the five sons of the Duc d'Orleans were gaining a manly education and gathering 'golden opinions' at the ordinary schools of Paris. His oldest son, especially, the Duc de Chartres,

was a noble promising youth, who collected upon himself those enthusiastic tributes of popular esteem, which seemed to belong to an heir of the crown rather than a mere prince of the blood.

Taking into consideration all the circumstances which we have thus developed, how could France fail to rest her hopes upon the Duc d'Orleans? A prince of the blood, his father had been an ardent promoter of the Revolution. He had worn the revolutionary cockade, and combated under the tricolored banner with distinguished honor. He had constantly refused to fight against his country, although, like the emigrant bands on the Rhine, he was an outlawed exile deprived of rank and wealth. He had passed the weary years of banishment in manly independence, earning his bread like a *roturier* when it was necessary, and exhibiting in his adversity the highest traits of moral courage, fortitude, and true dignity of spirit. Restored to his titles and estates, and in the enjoyment of the vast income of his family, he had lived among his fellow citizens fifteen years, beloved for his private virtues, honored for his past life, esteemed for the liberality and soundness of his principles, and looked to as the probable future stay of his country. What wonder, when the Revolution of the Three Days had raised an impassable barrier, had placed a gulf of blood between the King and the People, that all eyes should have been turned towards the Duc d'Or-

leans as the preordained Chief of the Nation?

While the contest raged in Paris, the Duc d'Orleans kept himself concealed at his country seat of Neuilly, situated a few miles out of the city. It is perfectly clear that he is free from any imputation of having fomented insurrection, or otherwise taken steps to bring about the contingency that had occurred. What private relations he may previously have had with the liberal party we know not; nor is the fact material to the present question. It is self-evident that neither he nor any body else but the King and his advisers are really to blame for the actual occurrence of the Revolution. It has been justly remarked that 'To have plotted effectually against Charles X. he must have conspired with his confessors to make him a bigot, with his Ministers to make him sign the fatal Ordinances, and with his troops to massacre his subjects with musketry and grape shot.' In fact, the Duc d'Orleans concealed himself from all but his family, until the battle of the Barricades had been fought, the Guards were driven from Paris, and the fortune of the reigning dynasty had become irretrievably desperate. Thursday night the Deputies determined to place the executive authority for the time being in his hands; and giving ear at last to their pressing entreaties, he returned to Paris on Friday, and committed himself past recall to the cause and the consequences of the Revolution.

Early on Friday a paper was circulated, printed at the office of the *National*, the leading journal of the victorious party. It was in these words:

‘ *Ordre Official.*

‘ Vive la Patrie ! Vive la Liberté ! Vive la Charte ! Et à bas Charles Dix !

‘ Vive le Duc d’Orleans, notre Roi !’

Indeed, whatever might have been the wishes of individuals, many reflecting men even of the republican party, who desired only the greatest good of the greatest number, were convinced that all the substantial advantages of a commonwealth would be attained by calling the Duc d’Orleans to the throne upon satisfactory conditions, which they had the full power to stipulate. It was understood that La Fayette and his colleagues of the Extreme Left were content, on receiving certain guarantees for the public liberties, to agree to his nomination. The views of the majority of the leading individuals in the Chamber were expressed in an article of the *National* of Friday, which may be regarded as an authorized exposition of their sentiments :

‘ After fifteen years of odious and dishonorable rule, the House of Bourbon is for the second time excluded from the throne. The Chamber of Deputies has today pronounced this grand resolution, by calling the House of Orleans to the Lieutenant Generalship of the Kingdom.

‘ This satisfaction was due to

the French People, who have endured, during fifteen years, a Government incapable, vexatious, prodigal, and injurious to the country.

‘ For fifteen years France has not been at liberty to pronounce with eulogium the glorious names of the men who delivered her in 1789. The Revolution was held to be an act for which the country was bound to repent, and to ask pardon. France was obliged to apologize for having wished to be free.

‘ The brave men of the old army were almost compelled to find an excuse for their victories, or were forced to receive from foreign hands the confirmation of their glory.

‘ France was subject to the command of incapable degenerate princes, nowise in harmony with the spirit of the Nation.

‘ The throne was destined to pass from a feeble and obstinate father, destitute of any kind of knowledge, to a son without intelligence, and unacquainted with the interests he was to direct.

‘ The future was as gloomy for France as the present.

‘ Finally this deposed family shed seas of French blood for the cause of usurped power, — that comprehended in the Ordinances.

‘ But punishment was not long delayed. The Ordinances subversive of our rights appeared on Monday ; this day, Friday, the forfeiture is pronounced.

‘ The Chamber felt the necessity of establishing a Government in lieu of that just overthrown. We need a prompt, vigorous, and

active organization. Situated in the centre of Europe amid a number of rival powers, we require a firm and stable institution. The Republic, which has so many attractions for generous minds, succeeded ill with us thirty years ago. Exposed to the rivalry of the generals, it fell under the blows of the first man of genius, who tried to make himself its master. What we want is that Republic disguised under a monarchy by means of representative government. The Charter, always the Charter, with such modifications as reason and the public interest indicate.'

Similar observations were made in the *Globe*, from which we extract only the following passage :

'The Republic has but one fault, which is, that it seems not to be possible in France. Perhaps it may one day become possible, perhaps it is the definitive Government to which all nations are advancing; but its time has not yet come. The heroes of the last few days exclaimed *Vive la Charte!* What was meant by that cry, which inspired such noble conduct? May the Charter, developed and amended by victory, prove an equivalent for the Republic!—Supposing this point decided, the next question is, to whom shall the throne be given? The name of the Duc d'Orleans presents itself. The necessity of speedily establishing a Government is universally felt. The Duc d'Orleans is among us, and his situation is such that he may be the means of pacifying France, and saving

us from the hostility of the rest of Europe.'

The wish prevailing at Paris, therefore, was sufficiently manifest in favor of the Duc d'Orleans, with such constitutional stipulations as should secure the rights of the People. The only inquiry with him could be whether any deference was due on his part to the rights of the young Duc de Bordeaux. This, to be sure, is rather a question of transcendental morals; for rarely can men be found, who, in such a contingency, would thrust from themselves a proffered crown, out of tenderness for the conflicting pretensions of a distant kinsman. But there are two considerations, which are conclusive on this point.

The Nation had resolved to depose, and had deposed, not this or that individual, but a dynasty. It was the whole family of Artois of which they were determined to be rid once and forever. The battle of the Barri-cades had settled their fate just as decisively and definitively as the battle of Waterloo had done that of Napoleon. The Revolution was over, and the controversy disposed of, before the Duc d'Orleans was called upon to decide as to his own course. Now, in the first place, as a matter of expediency, the Duc d'Orleans could adopt no other alternative, because, had he sought to make any reservation in favor of young Henri, he would only have drawn down ruin on his own head. The Nation were at irreconcilable war with the whole House of Artois,

and nothing but the inoffensive life of the Duc de Bourbon Condé and the personal popularity of the Duc d'Orleans and his children saved them from partaking in the sentence of proscription, which had gone forth against the posterity of Robert of Bourbon. By assuming to protect the rights of the Duc de Bordeaux, the Duc d'Orleans would have rendered his own expulsion from France just as sure as that of the royal family. France would in that case inevitably have become a Republic, probably with La Fayette for President; for young Napoleon had no strong party among the intelligent classes, and setting aside the princes of the blood, what other human being could aspire to be King over France?

In the second place, as a matter of principle, when the Duc d'Orleans put on the tricolor, and clambered over the barricades to make his way to the Palais Royal, he gave up the whole reigning dynasty alike, in adopting the Revolution. Charles Tenth had attempted a gross usurpation. He had made war on his subjects in support of the attempt, thus voluntarily submitting the question to the trial by battle, and had been vanquished, after making his own issue, choosing his own tribunal, and his own mode of trial. He had tried the *ultima ratio*, and spontaneously deprived himself of redress, by taking a decision at the point of the bayonet. Here, of course, was an end of his case. The stake for which he played was absolute power; the forfeiture which he stood pledged to incur if he failed,

was dethronement and exile; and how could the destinies of the boy Henri be separated from those of his grandfather and uncle? In the contest of the Three Days the principle of the royal right of usurpation encountered the principle of the popular right of revolution, and the latter was victorious. It has been said, that victory is the visible sentence of the gods delivered on the field of battle, in favor of the party they protect; and who, — in a country with free institutions derived from the same source, to wit, successful revolution, — will deny that in the battles of the Three Days the righteous cause prevailed? And supposing the Duc d'Orleans to take the same view of the subject, as all the acts and opinions of his life prescribe that he must have done, it was impossible for him to make any distinction in behalf of the Duc de Bordeaux, because a rising in his favor would have been an abandonment of the principle of the Revolution.

We hold, therefore, that the Duc d'Orleans acted a righteous no less than a wise part, in buckling on the honors, which the decrees of Providence, the ipsefation of the reigning family, and the spontaneous voice of the Nation, unitedly devolved upon him. It is affirmed that Charles X. and his advisers at Saint Cloud, anticipating that the Duc d'Orleans might become the rallying point of the revolutionists, had commanded a body of troops to arrest him at Neuilly, at the very time when the Deputies in Paris were preparing for his reception

there. If it were so, he fortunately escaped from the hands of his good cousin, to meet the wishes of the People. Early on the morning of Saturday, July 31st, he had an interview with a committee of the Deputies, and in the free conversation that ensued between them, as reported afterwards by Comte Sébastiani, he expressed his love of order and the laws, an ardent desire to spare France the scourge of civil and foreign war, the firm purpose of securing the liberty of his country, and his wish to make the Charter, which had been so long a delusion, a reality at last. — These feelings and purposes were embodied by the Duc d'Orleans in a Proclamation, which he issued at noon the same day, in the following words :

‘INHABITANTS OF PARIS : The Deputies of France, at this moment assembled in Paris, have signified to me their desire that I should repair to this capital to exercise the functions of Lieutenant General of the Kingdom.

‘I have not hesitated to come and share your dangers, to place myself in the midst of your heroic population, and to exert all my efforts, to preserve you from the calamities of civil war and of anarchy.

‘On returning to the city of Paris, I wore with pride those glorious colors which you have resumed and which I myself long wore.

‘The Chambers are about to assemble : they will consider of the means of securing the reign

of law, and the maintenance of the rights of the nation.

‘The Charter will henceforth be a truth.

‘LOUIS PHILIPPE D'ORLEANS.’

It is not remarkable, that in the agitated and excited state of the population of Paris, this proclamation should have produced a great and a varied sensation, among those, who were not in the secret of the political movements of the Deputies. A large portion of the citizens, excited by the triumph they had achieved, and filled with just indignation, were distrustful of the whole House of Bourbon. When the proclamation appeared, it was objected to for a reason which may now seem slight, but which derived consequence from the unsettled state of public affairs. The victorious people, little considerate of the etiquette belonging to the forms of such a document, demanded why it was not countersigned by the Municipal Commission, or by La Fayette, as a sort of *imprimatur*, a certificate of genuineness, an endorsement of its true derivation from those trusted patriots, in whom the soldiers of the Barricades reposed confidence.

The Deputies assembled at M. Lafitte's at one o'clock to receive the report of the Committee, which had conferred with the Duc d'Orleans, and to take measures for officially making known to the people what they had done. The Duc d'Orleans had been called to the post of Lieutenant General : this his own

proclamation made known. But by whom was he called, for what purpose, and under what conditions? All this it was important the People should satisfactorily understand; for the Deputies had no legal authority, as a constituent portion of the State, to do any act whatever. It was only as individuals, having personal claim to the popular confidence, that the Deputies could expect obedience to their acts; and it was only by the pressing exigency of the existing *interregnum* that they were justified in assuming to create a provisional Government. On the third of August they would be a Chamber, and would have constitutional authority as such; but now they could interpose only as an informal assembly of the most respected individuals in France. Conscious of these facts, they began by taking steps to win the approbation of the People to the revolutionary power of the Duc d'Orleans;—of that People, who, with arms in their hands, were the admitted depositaries of the supreme authority of the Nation, and who seemed rather disposed to follow the political guidance of their own Commission at the Hôtel de Ville, than to look to the Palais Royal or to the Deputies for advice or direction.

The Deputies speedily agreed upon a proclamation to be addressed to the People in their behalf, declaratory of the views they entertained in making the Duc d'Orleans Lieutenant General. France, they say, is free. Despotism raised its standard, but the heroic population of Paris

had overthrown it, and what France now needed was a Government, which might be able to secure to the country the advantages it had acquired. With this purpose they had invited the Duc d'Orleans to assume the executive functions for a time, as the only sure means of peacefully accomplishing the work of the Revolution. They added, that the Lieutenant General would respect the rights of the People, because from it he would derive his own; and that, while intrusting him with power, they should make assurance of the strength and durability of their freedom, by the most satisfactory guarantees. These guarantees were the re-establishment of the National Guard, rendering the officers elective; the intervention of the citizens in the formation of the municipal and departmental administration; trial by jury in affairs of the Press; a thoroughly organized responsibility of the public servants; the situation of the military legally secured; and the re-election of Deputies appointed to offices in the administration of Government.

It was then concluded that, to calm the popular effervescence, the Deputies should repair in a body to the Palais Royal, and personally communicate with the Lieutenant General and with the citizens. The Deputies accordingly hastened thither, headed by M. Lafitte, their temporary President, who read the proclamation to the Duke in the presence of his colleagues. How far the Duke may have been sincere in the cordial assent he gave to the

principles of the proclamation, we know not; but certain it is that he expressed, in his language and manner, the warmest approbation of the views of the Deputies, and especially of the several guarantees, which they stipulated for the rights of the Nation, and the maintenance and development of its liberties. His words, his gestures, and his physiognomy, says one of the contemporary accounts of the scene, contended in expressing satisfaction and pride in being associated with them in the regeneration of constitutional order. At the very time when the Deputies arrived, the Duc d'Orleans was preparing to go to the Hôtel de Ville alone and on horseback, in order to present himself before the National Guards. It was immediately proposed and agreed that the Deputies should accompany him, in a body, to the head-quarters of liberty and popular right; and the importance of the interview there had between the Duc d'Orleans and the party of the Revolution represented by La Fayette and the Municipal Commission, renders it worthy of detailed notice.

Out of the fermentation of public feeling consequent on the splendid victory of the Three Days, many parties had of course arisen, each desiring the establishment of a system of government conformable to their respective opinions. The names of Napoleon and of the Republic resounded in the public ear, from those brave men of the faubourgs, who had gained the victory, from those high spirited youths, who had led on the soldiers of the

Barricades. The boldest democratic doctrines were loudly discussed, and propagated by handbills placarded at every corner. The first idea, the idea that would naturally occur to the victors, was to ascertain the national will by taking the suffrages of the whole people of France, in the manner designated by the Constituent Assembly. Men, who entertained such views, could not but look disapprovingly on the proceedings of the Deputies, in undertaking to confer the functions of Lieutenant General on the Duc d'Orleans with the intent of subsequently elevating him to the throne. These men contended that the provisional Commission of Government, which derived its authority immediately from insurrection and the victory of the Barricades, was bound to continue in the exercise of the power thus conferred by circumstances, until the future destinies of the country had been submitted to the voice of the People. They went further, and affirmed that France did not want, nor would it have, a King, but republican institutions similar to those of the United States. And they contended that, at any rate, if the Duc d'Orleans was to be called upon to reign, it should be after adopting a new constitution, and submitting to the People the question of his election.

On the other hand, it was contended by the great majority of the liberal Deputies, then in the very zenith of their popularity as the persevering and at length successful defenders of the Charter, supported by the great body of persons who felt anxious for the

restoration of public tranquillity, that it was of urgent necessity to organize the Government permanently with all possible despatch. They urged that nothing was more certain to awaken divisions and propagate discord among the members of the victorious party, than to attempt the reestablishment of republican forms, which had so often been tried in vain in France. They represented that the sudden proclamation of the Republic would spread alarm in the departments, and serve as a pretext for malecontents to stir up intestine war. And was there not just cause to apprehend that the reestablishment of the Republic in France would provoke another coalition war against her, on the part of those jealous propagandists of despotism, the crowned heads of Europe? If a war against France should be kindled by her enemies, they would be glad of such a pretext for invading her territory, and would compel her to sustain immense sacrifices before she could expect to triumph over their combined hostility. Considering all these things, considering, as La Fayette himself has expressed it, the impressions left in France by past vicissitudes, the nature of existing circumstances immediately surrounding them, and the internal situation of the country, it appeared to the great mass of those individuals who gave direction to public opinion, that the choice of the Duc d'Orleans, the establishment of a new dynasty with an amended Constitution, promised better for the order, welfare, and liberties of the coun-

try, than the Republic. Still, new conditions were indispensably necessary to be incorporated in the organization of the reconstructed Monarchy;—and the settlement of these conditions constitutes what has been termed the *programme* of the Hôtel de Ville, of which so much has since been said. And the tenor of this *play-bill*, this rehearsal of the Constitutional drama to be enacted, has been since distinctly explained by the organ of the republican party, La Fayette himself.

The Deputies and the Duc d'Orleans made their way slowly and laboriously through the streets, which still remained blocked up with barricades, in the scorching heat of a summer's sun, and at length reached the Hôtel de Ville. They were received here by La Fayette, as commander of the National Guard, and as the representative of the men of the Barricades, a cortège of the young heroes of the Polytechnic School standing around him in the *salle d'armes* or great hall of the Hotel. In the course of the interview La Fayette conceived that the authority and popular confidence, with which he was invested, gave him the right, and made it his duty, to explain himself frankly in the name of the People, to the candidate for the throne. 'You know,' said La Fayette, 'that I am a Republican, and that I regard the Constitution of the United States as the most perfect in existence.' 'I think with you,' said the Duc d'Orleans; 'it is impossible to have passed two years in America, and not to be of this belief; but do

you deem it expedient to adopt it, in the actual situation of France and state of general opinion?' — 'No,' replied La Fayette; 'what the French Nation wants at this moment is a *popular Monarchy, surrounded by republican, purely republican, institutions.*' 'It is exactly as I understand it,' answered the Prince. This mutual engagement, which, says La Fayette, may be appreciated at its value, but which he hastened to make public as embodying the conditions of the new social compact, had the effect of uniting together both those who did not wish for a King at all, and those who wished for any other but a Bourbon. La Fayette and the Duc d'Orleans then went to a window hand in hand, and looking out upon the assembled multitude in the square below, the People of France as it were in proper person, they waved from the window a tricolored flag as the symbol of liberty and concord, amid the acclamations and applause of the congregated men of the Barricades.

Imagination can hardly picture to itself a more sublime and splendid spectacle than that of this venerable Apostle of Liberty, the good and great La Fayette, treading under foot all aspirations after power in his own person, regardless of the tempting glory of becoming President of a French Republic created by himself, bidding farewell to his party predilections, to the enthusiastic visions of his country's liberty, perhaps, which had cheered him on through his chequered career in the battle fields of America, in

the spirit stirring scenes of the first Revolution, in the dungeons of Olmutz, in the untrusted seclusion fixed on him by the Empire for whose honors he was too pure, in the disheartening struggles against foreign power and ministerial duplicity which followed the Restoration, — sacrificing everything, all the cherished principles of his long life, from the unwilling conviction that it was demanded for the peace and tranquillity of France. Nor was the occasion, the manner in which the surrender was made, less remarkable than the sacrifice itself. La Fayette stood not in the attitude of a fortunate soldier, using the authority of military power to control the current of the public deliberations, and throwing his sword into the lighter scale as the balance of reason oscillated before his eyes. He did not occupy the position of a popular demagogue, a Roman Gracchus, or a Flemish Von Artaveldt, pursuing purposes so mixed in their nature, that whether private ambition or public interest predominated it is hard to say, and giving the potent energies of a resistless democracy a direction inward upon the very heart and vitals of their own mother land. He appeared there, on the ancient theatre of the *communes* of Paris, amid scenes hallowed by the triumphs and saddened by the abuses of freedom, himself the embodied personification of the liberal and republican opinions of France, the representative of a great principle not of a party of men, making sacred stipulations in behalf of that principle, as the condition of suffering the

liberties of his country to pass under the guardianship of an hereditary prince.

In consequence of the proceedings at the Hôtel de Ville, all opposition to the authority of the Lieutenant General ceased. The functions of the Municipal Commission of course came to a close at the same time, and Commissioners were appointed to fill provisionally the several departments of Government. General Gérard was appointed to the department of War, M. Dupont de l'Eure to that of Justice, M. Guizot to the Interior, Baron Louis to that of Finance, and M. de Reinhart to that of Foreign Affairs. When the Duc d'Orleans assumed the executive authority, La Fayette resigned the command of the National Guard, but was prevailed on to accept it again, in order that the New Government might enjoy the sanction of his venerated name. The first measure of the Lieutenant General had been to issue an ordinance containing the single provision: — 'The French Nation resumes its colors. No other cockade shall henceforth be worn than the tricolored cockade:' thus ratifying the spontaneous act of the citizens, and rendering it a part of the law. At the same time another ordinance appeared for the regular convocation of the two Chambers on the 3d of August, the day originally fixed for that purpose by the dethroned King. Some other incidental measures were taken in accordance with the spirit of the times, of which the most remarkable was an ordinance repealing the numerous condemnations for political

offences of the Press, discharging from arrest all persons confined for such offences, remitting their fines and costs, and quashing all pending prosecutions.

Meanwhile the ordinary course of private affairs in the city began to be resumed. On Saturday the clerks of the Post Office had returned to their duty, and letters were again received and delivered as usual. Some embarrassments arose in regard to commercial engagements, the discharge of which had been of necessity prevented or suspended during the late political commotions. — The Municipal Commission resolved to remedy the difficulty by granting an extension of ten days on all acceptances payable in Paris and falling due between the 26th of July and the 15th of August. In accordance with this regulation, the Tribunal of Commerce issued a decree ratifying the extension of payments, assigning for reason that all commercial transactions having been forcibly suspended and communications interrupted, the regular payment of bills during that period had been rendered wholly impracticable. On Saturday, also, the Bank of France was opened, and most of the private bankers resumed the transaction of business in the ordinary way. The barriers, moreover, were thrown open this day, so as to allow the diligences to proceed as they had done before the Revolution.

It is not to be inferred from this that Paris exhibited a peaceful aspect, during these the few days immediately succeeding the contest. Apprehension of possi-

ble surprise prevented the removal of the barricades, so that an invading foe would have found the streets unpaved, the houses embattled, and obstructions of every conceivable kind thrown up in the great thoroughfares. As a measure of salubrity, the inhabitants made gutters in the streets, to carry off the stagnant water without endangering the barricades. The principal avenues were continually crowded with persons going about from curiosity, or with assemblages of armed men of every variety of dress, equipments, and weapons. During the evening the absence of the street lamps was supplied by lights in the windows. Sentinels were of course stationed at all the important points, consisting partly of the soldiers of the National Guard, and partly of the ordinary armed citizens, whose only title of service was their participation in the victory of the Barricades. — The Palace of the Tuileries was purposely left in charge of the brave men, who had driven the Royal Guards before them on Thursday, and gained possession of its halls at the point of the bayonet; so that rough clad and irregularly armed citizens took the place of the trim sentinels, who formerly guarded its precincts. Amid all these indications of pending insurrection, with all the populace of Paris and its environs thronging the streets, and the poorest artisans in arms for the cause of freedom, the most absolute respect of private property was exhibited, notwithstanding the abundant opportunities of

license, which naturally offer themselves at such a period.

The Government lost no time, however, in providing a regular military force, for the protection of the public liberties against whatever aggression. Twenty regiments of the National Guard were organized without delay, the lists being filled up with a rapidity, which assured the minds of the most timid, that defenders would not be wanting to sustain the Government, either against popular outrage or the efforts of the dethroned family and their partisans. In fact, soldiers of all descriptions came in continually to join the popular ranks, many of them veterans of the old army, who were treated with peculiar respect on all hands. An occasion speedily occurred, as we shall presently see, for testing the spirit and resolution of the citizens.

Our narrative of the events of the Revolution has been confined thus far to Paris. There in fact the contest, in a military point of view, began and ended. But it is to be understood that identically the same feeling existed in the departments, where the receipt of the Ordinances was followed by a simultaneous rising of the inhabitants, and the organization of insurrection just as in Paris. In some of the great cities, especially Rouen and Nantes, the popular enthusiasm broke out into open resistance, before it was known what steps would be taken at the metropolis. It was the same at Lyons. The large towns around Paris, if they did not anticipate the movement in that city, were

not backward in following it up. It was not Paris, which produced the Revolution. The whole Nation was animated with but one sentiment, which produced a unanimity of action, as decided and marked as if it had been the result of concert, although it is perfectly certain that the publication of the Ordinances was wholly unexpected, and therefore could not have been prepared for, in such a way as to produce the universal movement of resistance, which actually took place.

Troops had been ordered to Paris from the camp at Saint Omer. They advanced as far as Poix, a village two or three days' march from Paris, where they halted, and on receiving orders to that effect from General Gérard in the name of the provisional government, they marched back to Saint Omer under new colors, the soldiers having of their own motion procured tri-colored cockades from Paris by the diligences. A division stationed at Versailles under General Bordesoulle, had commenced its march for Paris in support of Marshal Marmont, but turned back on learning the evacuation of Paris, intending to return to its old quarters. Meanwhile the National Guard of Versailles had got under arms, and threatened to exclude the troops; but, after some negotiation between the two parties, they came to an amicable understanding, and the soldiers entered Versailles amid cries of *Vive la Charte!* In truth the events of Thursday had limited the Kingdom of Charles Tenth to the Château of Saint

Cloud, and the great avenues around it, which the defeated soldiers of the Guard continued to occupy.

When the Duc de Raguse retired to Saint Cloud, nothing could exceed the consternation which his appearance there, followed by the flying troops, produced on the royal conspirators assembled at the Château. Such was the excess of their infatuation, that they had not dreamed of the possibility of so untoward an event, and the intelligence of defeat and rout came upon them with the stunning suddenness of a clap of thunder. The weak minded Dauphin was roused into a sort of phrenzy, on seeing the Duc de Raguse. Breaking out in the most insulting language towards Marmont, the Dauphin ordered him under arrest, and seizing on his sword, endeavored to break it across the pommel of his saddle so precipitately as to cut himself in the act of doing it. Soon afterwards the deputation sent to treat with the insurgents came back from the Hôtel de Ville, with tidings that the offer of accommodation was too late, and that Charles had nothing to expect from the voluntary act of his late subjects. To be restored to power, he must continue the appeal to arms. But it was conclusively shown by the declaration and conduct of the troops, that they had no disposition to protract the struggle. They were fatigued with their exertions, and disheartened by want of food and other necessities, and by the conviction that they were on the wrong side.

We may imagine, better than we can describe, the agony of disappointment, chagrin, and self-reproach, which at this hour must have borne down the royal family, and such of the partisans of *coups d'état* as still clung to the fallen monarch.

Notwithstanding the desperate state of things at Saint Cloud, an effort was made on Friday to place the Château in a state of defence. Battalions of the Guard were posted along the roads leading to Saint Cloud from Paris and Versailles. Addresses to the soldiers from the revolutionary Government were largely circulated, inviting them to abandon the King. These overtures were favorably received by the troops of the Line, a whole regiment of which piled their arms, and marched off to Paris ;—but a principle of honor kept the Guards together, conscious as they were of the hopelessness of the royal cause, and subjected to many privations, which the King wanted disposition or power to relieve. Indeed, Charles, instead of having the means of molesting the Parisians, now began to be seriously alarmed for his own safety, as reports reached him that the victorious *bourgeois* began to prepare for attacking him at Saint Cloud. At three o'clock on the morning of Saturday, the royal family, with the Ministers and other persons who remained attached to the Court, left Saint Cloud in the midst of the household troops, who resolved to protect the King against the citizens, determining at the same time not to engage in any hostilities of their own accord.

The King halted at Versailles, taking up his quarters in the Trianon, a small royal residence in the Park of Versailles, where the royal family and the Ministers met for the last time. From Versailles he continued onward to Rambouillet, a village ten leagues from Paris, where there is a hunting Château belonging to the crown. Here a camp was formed with the ostensible purpose of making a stand. But on Sunday the 1st of August information was brought to the Court of the proceedings of the day before in regard to the Duc d'Orleans ; and the next day Charles and the Dauphin addressed a communication to the Lieutenant General, renouncing their rights in favor of the Duc de Bordeaux, and charging the Duc d'Orleans to cause the accession of Henry V. to be proclaimed. Meanwhile the jewels of the crown had been withdrawn from their place of deposit in Paris early in the last week, and were now under the control of Charles. To the act of abdication no other answer was given but to despatch a Commission, consisting of Marshal Maison, M. de Schonen, and M. Odillon Barrot, to demand the regalia and require the royal family to hasten their departure from the Kingdom. The King refused to see the Commission, and instead of disposing himself to comply with their injunctions, caused the Guards to be sounded as to their willingness to retire to La Vendée and repeat the struggle of the former Revolution. But neither the officers nor the soldiers would listen to any such scheme. The

day of uncalculating frantic royalism had long since passed away. The Guards were Frenchmen in spirit as in fact; and selected, as they had been, for their fidelity to the House of Bourbon, still they were too wise, and too fond of their country, to engage to embark in a desperate and unavailing contention in behalf of a prostrate dynasty, who had proved themselves incapable of reigning, and whose fatal incompetency was alike ruinous to their friends and themselves. Instead of manifesting any readiness to sustain a civil war, the Guards resolved, in the words of M. de Bermond, only 'to place themselves between the royal family and any portion of their subjects who might be excited to attack them, pending the negotiations which were to decide the fate of France.'

The Commission lost no time in reporting to the Government at Paris that Charles refused to accept of their safe conduct for his retirement from the country, insisting that he had abdicated only in favor of the Duc de Bordeaux, and that he should remain at Rambouillet, and defend himself there, until he received a satisfactory answer from the Lieutenant General. The announcement of this resolution brought matters to a crisis at once. It was impossible to suffer an armed force, which withheld obedience from the new Government, to remain within a day's march of the capital; and equally impossible to restrain the public irritation, excited by the obstinacy of the King. There was imminent danger that the inflamed populace would,

of their own accord, rise in a mass and proceed to attack the royal camp and family; in which case, if left to themselves, they might commit some deplorable excess, which would dishonor the cause of the Revolution.

The citizens were already ringing the tocsin, and arming themselves without waiting for orders. To prevent the possible consequences, the Government lost no time in arranging an expedition under the command of responsible officers, who might control, as well as direct, the popular movements. The National Guard were summoned to their posts, and it was announced to them that the ground assumed by the King required that he should be compelled to depart or surrender, and that to effect this object the Government called on the citizens to enlist for an attack on the camp at Rambouillet. The announcement was received with the greatest enthusiasm. Thousands volunteered in the course of a few hours, and were despatched in omnibuses, hackney coaches, cabriolets, diligences, *coucou*s, carts, — in short, in every species of carriage, which Paris afforded. In addition to six thousand troops of the National Guard, were thousands of the half armed but resolute and excited men of the Barricades, who poured out of Paris in a tumultuary force, and if they had come in conflict with the royal family would have been as dangerous and as ungovernable as the militant mobs of October, 1789. The command of the expedition was given to General Pajol, having under him General

Excelmans, Colonel Jacqueminot, and M. Georges La Fayette.

Meanwhile the Commissioners hurried on to Rambouillet once more, in advance of the army, for the purpose of making a last effort to persuade the King to listen to reason. They represented to him the extreme hazard he would run by an encounter with the mighty host of unscrupulous men, who were on the way to Rambouillet. As had all along happened with Charles, he yielded to selfish considerations of personal safety, where he had been regardless of the blood of his People, and consented to dismiss all intention of resistance and accept the safe conduct of the Commissioners. Indeed such was the consternation of the King, that his Court broke up in great confusion at ten o'clock in the evening of August 3d, and set off without waiting for the appearance of his good friends of the faubourgs of Paris. The armed citizens had ere this arrived at a village in the neighborhood of Rambouillet, where they bivouacked for the night. On learning the departure of the King the next morning, they seized on the coaches belonging to the Court, and whatever other vehicles they could find, and returned to Paris on the 4th, forming a vast procession of soldiers and citizens, who entered the city shouting the Marseilles Hymn, and firing their guns into the air in triumph.

The King had selected Great Britain as a place of refuge. It was arranged between him, and the Commissioners that he should restore the crown jewels, and be

furnished with the sum of four millions of francs in money for his private use. He desired to quit France by the way of Cherbourg, and thither accordingly the Commissioners directed their course. At Dreux, where they halted after leaving Rambouillet, the King dismissed all the troops except the body-guard, which continued with him as far as Cherbourg. The Ministers, aware of the danger they incurred of being brought to trial for their crimes, had fled secretly and in disguise, in different directions, before the King submitted. The royal family passed along slowly through Normandy, deserted by the perfidious counsellors and courtiers, who had contributed by their advice, to the destitution and humiliation, which now pressed upon the last of the Bourbons. They were protected from public insult and injury less by the feeble guard, which surrounded them, than by the tricolored scarfs of the Commissioners, and the universal sympathy entertained for fallen greatness:—for everywhere they found the national flag flying on the towers, and the inhabitants in arms for the Charter.

The exiles embarked at Cherbourg in an American ship, engaged at Havre for that purpose, and landed in England the 17th of August. They were received there with but little show of respect; for how indeed could any respect be felt for such men as Charles or Louis Antoine? The compassionate hospitality due to their rank and their situation was of course extended towards them, and nothing more. The King

repaired to Lulworth in Dorsetshire, the seat of an ancient English Catholic family, where he remained until the old apartments at Holyrood House, in Edinburgh, which he had occupied previous to the Restoration, were again prepared for his reception. In that ancient Palace a retreat of congenial recollections for the relics of a royal House, which had rivalled the Stuarts, in the infatuation of its folly, Charles and his son had leisure for the life of peace and seclusion, which alone became their present condition.

In thus tracing the responsible members of this unhappy family from power to privacy, from the splendors of the Tuileries and Saint Cloud to the humble retirement of Holyrood, we have hitherto omitted to speak of those companions of their exile, who had participated in a tenfold degree in the calamities and sorrows of their House, whilst wholly free of its guilt. We allude to the daughter of Marie Antoinette, and the widow of the Duc de Berri, who suffered because others had sinned. The language of condemnation and reproach, which we have so frequently had occasion to apply to the male members of the royal family, belongs not to them. Neither the King nor the Dauphin is deserving of much pity, and they are entitled to no respect. The Duchess d'Angoulême has a claim to both respect and pity; and so also has the Duchess de Berri, and will continue to have, unless she forfeits it by a succession of indiscreet attempts in favor of her son.

The Comte d'Artois was bred in the profligate Court of Louis XV., and passed a youth of dissipation and idleness, until the Revolution came to arrest his disorderly career, and teach him that princes were amenable to the tribunal of public opinion and public justice. He emigrated at an early period, and hovered about the frontiers of France, joining in the poor schemes of invasion of his family circle, until the success of Bonaparte drove them from the Continent to seek an asylum in England. At the age of sixtyeight he succeeded Louis XVIII., whose dying advice to his successor was to '*govern legally.*' For a time Charles X. seemed disposed to abide by the death-bed injunction of his brother, and to govern in the sense of the Charter. But he was weak, vain, headstrong, unable to appreciate the exigencies of his position, — and fell into the hands of unworthy counsellors, who had never forgiven the Revolution, and longed for the return of absolutism.

Had the Dauphin possessed the energy of character demanded by his relation to the country and the situation of his family, he might have retarded the fall of the Bourbons; but unfortunately for them all, however good a hunter, he was a weak man and an incapable ruler. Louis XVIII. sought to acquire for him some of that military renown, which the French so much admire in their princes, by giving him the nominal command of the Spanish expedition. The inglorious events of this war against the Cortes have been

sculptured on the arch of the Carrousel, in place of the great victories of the year 1805, which the Allies removed when they occupied Paris. But the title of Duque del Trocadéro is all that the Dauphin can fairly claim as his own share of the honors of the campaign, and he has since reposed on his laurels—until he wounded himself in the very brave and highly meritorious act of disarming Marshal Marmont on the last of the Three Days. He appears to have entered cordially into the mad projects of Polignac, and divides with his father the loss and the shame of unsuccessful usurpation.

Not so the Duchesse d'Angoulême, whom Napoleon, with his accustomed discrimination, has termed the only man among the Bourbons. The daughter of a long line of Kings, she has seen her father and mother perish on the scaffold, her brother clandestinely done to death by ignoble hands and ignoble means, her husband's brother assassinated in the streets, her family pensioned exiles and outcasts, and now a third time driven from the throne of France with ignominy. With her poor woman's wit, of which her uncle and husband seem to have thought so meanly, Cassandra like, she foresaw the effect of the infatuated measures they had in train, but vainly uttered her oracles of warning and menace to deter them from rushing upon destruction. With a frame macerated by religious severities, and views fixed upon a happier future,

it is for her family more than for herself, that she laments the reverses, which have befallen her House.

The Duchesse de Berri possesses a temper naturally gay, light and amiable, designed, in short, for enjoyment and popularity,—and which, notwithstanding the untimely death of her husband, and the change in her prospects which that event occasioned, would have assured her the possession of comparative happiness as mother of the young heir to France. Her hopes are once more dashed to the ground, by a series of desperate measures, against which she, as well as the Dauphiness, protested. Being a daughter of the late King of the Two Sicilies, of whom the present Queen of France is a sister, she is doomed to see her aunt occupy the throne, which in better times she looked forward to as probably to become one day her own. She also is rendered an exile by no fault of hers; and considering the advanced age of Charles and the Dauphin, their misfortune affects her and her son more seriously than it does the older members of the family. That son, the last remaining scion of his race,—for the posterity of Philip V. are aliens to France by the most sacred oaths and treaties,—leaves the land of his fathers to become the centre and watchword of political intrigues, and to renew in his own person, perhaps, the romantic fortunes of Charles Edward of England.

CHAPTER XVIII.

FRANCE, CONCLUDED.

Proceedings of the Chambers. — The new Charter. — Duc d'Orleans King. — Settlement of the Government. — Conclusion.

WE arrive, at length, at the catastrophe of the Revolution, at the fifth act of the political drama, which opened with the appointment of M. de Polignac to office for the purpose of overthrowing the Charter, and terminates with the elevation of the Duc d'Orleans to the throne. This was a result for which all Paris was now prepared, and less doubt was entertained as to the result itself, than as to the best means of reaching it. The republicans continued to dispute the authority of the Chambers to reorganize the institutions, which the victory of the Three Days had laid prostrate. They maintained that the Charter had entirely lost its vitality; that the Chamber of Deputies elected under it, ceased on the 30th of July to be a constitutional element of the State; that of course it had no right to proceed in the performance of ordinary business, and still less any right to remodel the Charter itself and that, when it assembled, it should do nothing more than simply to provide con-

venient and regular means of ascertaining the will of the People on the great question, which now came up for decision. Whatever objections had existed to the substitution of a Lieutenant General in place of the provisional Commission of Government, applied with added authority to finally and permanently settling the public affairs through the agency of the Chambers alone. Particular difficulties presented themselves in great force. How could the Chamber of Deputies dispose of the Chamber of Peers, the existence of which the public voice declared to be contrary to the wishes of regenerated France? It seemed to the numerous party, who maintained these opinions, a fit occasion for proclaiming a return to the true republican principle, the sovereignty of the People, and the establishment of a Government by their immediate intervention.

This end might be accomplished by an act of the Chamber reviving the Constitution of 1815, which they contended was pref-

erable to the Charter of Louis XVIII.; and in that case the question whether the Duc d'Orleans should be Emperor could be submitted to the suffrages of the Nation. Or the Chamber might provide for the convocation of a Constituent Assembly, a Convention of the whole Kingdom, for the purpose of enacting a new fundamental law in place of the Charter. But the considerations hinted at in the last chapter, which induced the liberal party to accede to the bestowment of power on the Duc d'Orleans, prevailed on the majority of those men of influence, who possessed the means of directing public affairs, to determine that the present Chamber should proceed to the complete settlement of the Government upon a stable basis. The same considerations led the Chamber, when it had once resolved upon settling the Government, to proceed with a degree of precipitancy, which left no room for the operation of adverse schemes, and hardly afforded time for due reflection and deliberation on the part of the Deputies themselves. In doing so, they avoided, perhaps, present disorders, but sowed the seeds of future contentions at least, if not revolutions.

The opening of the Chambers was celebrated at the stated time and in the usual place, with all the forms of a royal sitting, so far as they were applicable to the new state of things. It was justly regarded by all parties as a crisis of peculiar difficulty and importance. About half the Deputies elect assembled, including some

few members of the 'Right, who, knowing that their persons were perfectly safe, had independence and patriotism enough to take part in the deliberations of the Chamber. A portion of the Peers also attended. In obedience to the republican spirit of the times, the Deputies appeared in the ordinary dress of citizens, instead of the official costume, which they had been accustomed to wear before the Three Days. In consequence, also, of a positive regulation, the Peers and Deputies were treated with equal respect.

The Duc d'Orleans, as Lieutenant General of the Kingdom, opened the sitting with a speech fully in accordance with the principles of the Revolution. It was a plain, direct, manly address, worthy of the speaker and the occasion. He spoke of the struggle of the Three Days, of the heroism of the people of Paris, of the consequent dissolution of the pre-existing social system, and of the necessities of public order, which had placed him in authority. He alluded to the misfortunes of the royal family with delicacy and propriety. While holding up to the rest of Europe a desire of peace as well as liberty, as the animating spirit of France, he gave assurance that respect for the rights of all, and consequent public stability, would enable the new Government to maintain itself unharmed under all the hazards of a forcible change of dynasty. That portion of it, which spoke of his own personal views and feelings, was peculiarly judicious and satisfactory. 'I hastened,' he says, 'to the midst of this valiant People,

followed by my family, and wearing those colors, which, for the second time, have marked among us the triumph of liberty. I have come, firmly resolved to devote myself to all that circumstances should require of me in the situation wherein they have placed me, to establish the empire of the laws, to save liberty which was threatened, and to render impossible the return of evils so great, by securing forever the power of the Charter, whose name, invoked during the combat, was also appealed to after the victory. In the accomplishment of this noble task it is for the Chambers to guide me. All rights must be solemnly guaranteed, all the institutions necessary to their full and free exercise must receive the development of which they have need. *Attached by inclination and conviction to the principles of a free government, I accept beforehand all the consequences of it.* These professions of cordial participation in the feelings of the People, whether wholly sincere or not, were such as the occasion demanded, and served to augment the popularity of the Lieutenant General.

He concluded by announcing the abdication of Charles and the renunciation of the Dauphin, which he had received late the night before from Rambouillet. He did not state that any reserve had been made in favor of the Duc de Bordeaux; nor was it necessary; for the abdication itself was a mere deference to necessity, which the condition annexed to it neither strengthened nor diminished. Indeed it would have been quite as consonant to

the wishes of the victorious party, if they had been left to declare the throne forfeited for high crimes, without being anticipated in regard to it by the King.

Nothing was done at this sitting; but the next day the Chambers met, and M. Labbey de Pompières having taken the chair as senior member, they proceeded to verify the credentials of the several Deputies present, and as usual chose five persons to be presented to the Lieutenant General, out of whom he, as successor to the rights of the King, should select for them a President. They were MM. Casimir Perrier, Jacques Lafitte, Benjamin Delessert, Dupin, and Royer Collard; and the selection fell upon M. Casimir Perrier. Baron Pasquier was appointed President of the Chamber of Peers. Other business of form occupied the Chambers until the fourth day of the session, August 6th, when the important proceedings for amending the Charter and transferring the Crown were commenced, and continued during the succeeding day, on which these important changes were finally completed, and the Duc d'Orleans became King of the French.

The proposition for these modifications of the Government was made by M. Bérard, a Deputy very generally respected, who had efficiently forwarded the recent movements. It consisted of a series of Resolutions, first, declaring the throne of France vacant by reason of the events of July; secondly, proposing certain suppressions, alterations and additions in the text of the Charter;

thirdly, stipulating that certain laws shall be enacted with the least possible delay; and lastly, setting forth that on condition of his accepting these conditions and propositions, 'the Chamber of Deputies declares that the universal and urgent interest of the French nation calls to the throne His Royal Highness Louis Philippe d'Orleans, Duc d'Orleans, Lieut. General of the Kingdom, and his descendants forever in the male line by order of primogeniture, with the perpetual exclusion of females and their descendants,' by the title of King of the French. As, next to the change of dynasty, these conditions and propositions, or guarantees as they are often called, comprise the constitutional advantages secured by the Revolution, they will justify a particular examination.

The discussion of the Resolutions was perfectly free, insomuch that several royalist Deputies very firmly and fully expressed their attachment to the family of Charles X., although none of them went so far as to defend the Ordinances, and several of them spoke with sorrow and indignation of the pernicious councils, by which the King had been misled. Nothing is more singular, however, in the proceedings of these two days, than the extreme brevity of the debates, the absence of any elaborate speeches for effect, and the business like manner in which the proposed measures were discussed and settled. MM. Bérard, Villemain, Dupin, Eusébe Salverte, Mauguin, La Fayette, Hyde de Neuville, de Martignac, and de Conny

were the prominent speakers in the debate, in which also MM. Benjamin Constant, Alexandre de Laborde, Demarçay, Augustin Perrier, and de Brigode, among others, took more or less part. In regard to the form of the debate, we need only say that, except some conversation as to an address in reply to the speech of the Lieutenant General, which ended in a decision that the proposition of M. Bérard should take the place of an address, — excepting this, the debate turned upon the merits of the questions presented in the several Resolutions.

The speech of M. Bérard, which introduced the whole subject to the consideration of the Chamber, was the only general statement of the views of the Orleans party; and for that reason more than for its intrinsic merits, we introduce it in this place.

M. Bérard said: 'A solemn compact united the French People with their Monarch. This compact has been broken; and the violator of it has no title now to insist on its execution. Charles X. and his son in vain pretend to transmit a power, which they no longer possess. Their power is extinguished in the blood of thousands of victims. The act of abdication, which has been laid before you, is only a fresh instance of perfidy. The appearance of legality which it wears is a mere deception. It is a brand of discord thrown among us.

'The real enemies of our country, those who by flattering urged the fallen Government on to ruin,

are busy on all sides; they assume all colors, they proclaim all opinions. If a vague desire of liberty seizes on some generous minds, our enemies hasten to take advantage of a sentiment, which they are incapable of understanding; and ultra-royalists present themselves in the guise of rigid republicans. Others affect a hypocritical attachment for the forgotten son of the conqueror of Europe, which would change into hate, if there could be any serious question of making him Chief of France.

‘The instability, inseparable from the existing forms of Government, encourages the promoters of discord. Let us disarm them by putting an end to it. A supreme law, that of necessity, has placed weapons in the hands of the Parisians, to repel oppression. This law has caused us to adopt as a provisional Chief, and as the only means of safety, a Prince, who is the sincere friend of constitutional institutions. The same law would lead us to adopt, without delay a definitive head for the State.

‘But whatever confidence this Prince inspires, the rights which we are called upon to defend, oblige us to establish the conditions, under which he shall receive his power. Odiously deceived on several occasions, it will be permitted us to stipulate the strictest guarantees. Our institutions are incomplete, vitiated even in certain points of view; it is necessary to extend and reform them. The Prince, who is at our head, is already aware of our just wants. The principles of several

fundamental laws have been recognised by him already; and other principles, other laws, are not less indispensable, and will also be secured.

‘We are the elected delegates of the People. They have confided to us the defence of their rights, the expression of their wants. Their first wants, their dearest interests, are liberty and repose. They have conquered their liberty; it is for us to secure their repose; and we cannot do so except by giving them a stable and just Government. It is idle to pretend that in doing so, we exceed our powers. I could refute this objection, if there was sufficient occasion, by invoking the law to which I have already referred, that of imperious, invincible necessity.

‘In this state of things, taking into consideration the grave and pressing situation in which the country is placed, the indispensable necessity of changing this precarious posture for a safer one, and the universal wish manifested by France to obtain the completion of her institutions, I have the honor to propose the following Resolutions.’

There can be no doubt that the Resolutions had been fully concerted and arranged out of the Chamber, before they were proposed in it. If this did not appear from the nature of the propositions themselves, it would from the slight discussion and alteration they received in passing through the Chamber to become the fundamental law of the land. Indeed there is little to be selected from the debates of these two

days, which accords with the all important nature of the subjects in agitation. Except a feeling protestation on the part of M. de Martignac, against the application of the word ferocity to the conduct of Charles, the most remarkable speeches in opposition to the Resolutions were those of M. de Conny and of M. Hyde de Neuville. M. de Conny argued at some length the claims of the Duc de Bordeaux in the following manner :

‘In the terrible circumstances in which we are placed, freedom of debate is more than ever a sacred law. I came forward at the voice of my conscience ; silence would be cowardice. Social order is shaken to its foundations. These tumultuous commotions, which suddenly suspend the action of the legitimate powers instituted to maintain order in society, are epochs of calamity, which exercise the most fatal influence upon the destiny of nations. Inexorable history, rising above contemporary passions, will impress upon these lamentable days the character which belongs to them, and the cry of human conscience is raised to consecrate this eternal truth, that *force constitutes no right*.

‘In these times of trouble, liberty is invoked, but the expression of thought has ceased to be free. Liberty is stifled by the sanguinary cries, which carry alarm in every direction. Suffer not yourselves to be subjugated by the cries which resound about you. Statesmen, remain calm in the midst of perils, and when confused voices call to France the son

of Napoleon, invoke the Republic, and proclaim the Duc d’Orleans, — unshaken in your duties, remember your oaths, and acknowledge the sacred rights of the royal infant, whom, after so many misfortunes Providence has given to France. Think of the judgment of posterity : — it would be terrible. You would not wish that history should say you were faithless to your oaths. The eyes of Europe are upon us. We have too long exhibited to her a spectacle of strange instability ; too long have we changed sides, as often as victory has changed colors. Brought back to truth by misfortune, let us remain calm in the midst of so many turbulent passions, and let us bestow our respect and tears upon great and royal disasters.

‘By continuing faithful to our duties, I wish to spare our country all the calamities and crimes consequent on usurpations. Viewing with an anxious mind the destiny of France, I perceive the twofold scourge of civil and foreign war threatening our noble country, I perceive liberty disappearing forever, I perceive French blood flowing, and this blood would recoil upon our heads. Deference to the principle of legitimacy, that principle established by the Charter, can alone preserve our country from this fearful destiny. All France is bound by oaths. The army, ever faithful, will bend their arms before the young King. I call to witness our national honor. Let us not exhibit to the world the scandal of perjury. In the presence of the sacred rights of the

Duc de Bordeaux, the act which should raise the Duc d'Orleans to the throne, would be a violation of all human laws.

'As a Deputy, remembering my oaths before God, who will judge us, I have truly spoken my belief. I should have forfeited the esteem of my adversaries, if, in the perils which surround us, I had remained silent. I declare the sentiments which animate me in the face of Heaven: I would express them at the cannon's mouth. If the principle of legitimacy be not recognised by the Charter, I must say that I see not what right I have to participate in these deliberations.'

After M. Benjamin Constant had made some remarks in reply to M. de Conny, in the course of which he remarked that legitimacy, in its ordinary sense could no longer be invoked; and that the only legitimacy, which France now admitted, was derived from the People and the laws, — M. Hyde de Neuville said: —

'I judge no man. In politics, as in religion, all consciences are not subject to the same influences. Men seeking what is good may follow different paths. Each of us obeys his own conscience, mine is my only guide. If you do not partake of my sentiments, you will not refuse me your esteem. I have done everything which a Frenchman could do, to prevent the calamities, which we have experienced. I have been faithful to my oaths. I did not betray that family, which false friends have precipitated into an abyss. I should contradict my life, and dishonor myself by chang-

ing my sentiments, were I to assent to these Resolutions. With my hand upon my heart, I cannot but reject the dangerous sovereignty, which the Committee proposes to establish. The measure which you contemplate, is of the deepest import, and ought to be weighed and examined with more of deliberation, than it seems about to receive. It is dangerous to rest the future destinies of a great People upon the impressions of a moment. But I have not received from Heaven the power to arrest the thunderbolt. To the acts, which it is proposed to consummate, I can but oppose my wishes, in offering up the sincerest prayers for the repose and liberty of my country.'

Nothing, however, which could be said by the friends of the fallen dynasty, was capable of having any influence on such an occasion, and only served the purpose of a personal protest on the part of the speaker. But the peculiar position of La Fayette, as the professor of republican opinions and the most trusted individual of the Republican party, gave more than ordinary moment to the short speech in which he expressed his assent to the Resolutions. It was substantially as follows:

'On ascending this tribune to pronounce an opinion contested by many friends of liberty, I do not yield to any enthusiasm of the moment, nor am I seeking a popularity, which I shall never prefer to the discharge of my duties. The republican sentiments which I have manifested in all times, and before all powers, are well known; but these senti-

ments do not prevent my being the defender of a constitutional throne, raised by the will of the Nation.

‘The same sentiments animate me at the present crisis, when it has been judged fitting to elevate to the constitutional throne the Prince Lieutenant General. And I am bound to avow that the choice coincides with my own desires the more, in proportion as I know him better.

‘But I shall differ from many of my fellow citizens on the question of hereditary peerage. I have always thought it necessary that legislative bodies should be divided into two Chambers differently constituted; but never that it was useful to have hereditary legislators and judges.—Aristocracy is a bad ingredient to be introduced into popular institutions. It is, therefore, with great satisfaction that I find you engaged in a measure conformable to sentiments which I have all my life declared, and which I can now only repeat.

‘While my conscience forces me to reiterate this opinion, my fellow citizens will do me the justice to acknowledge that if I have always been the supporter of liberty, I have never ceased to be the supporter of public order.’

An earnest attempt was made by M. Mauguin to provide for a purification of the magistracy by some article in the conditions of the contemplated Sovereignty, but without success. Men who felt no hesitation about changing the dynasty and decimating or abol-

ishing the Chamber of Peers, were affected by some unaccountable scruples as to the violation of rights nowise more sacred than those of the peerage and the royal family. In fact, very few material alterations were made in the Resolutions, as reported by the Commission to which they were referred; and of these the most curious was on motion of M. Dupin, in the following words: ‘France resumes her colors. For the future no cockade shall be worn but the tricolored.’ This amendment was adopted by acclamation. It seems at first sight an exceedingly frivolous and rather puerile matter to occupy the attention of the Chamber at such a time, and to be made an article of the new constitutional law. But we suppose it was intended as a propitiatory offering to the popular sentiment, being equivalent to a provision that the passions, purposes, doctrines, and principles of the first Revolution were adopted as the inheritance of the second.

On Saturday, August 7th, the Resolutions as amended were adopted in the Chamber of Deputies by a vote of 219 to 33, the affirmative votes being just four more than one half the entire legal number of Deputies. The question was taken at five o’clock in the afternoon, and the Deputies immediately went on foot in procession to the Palais Royal, escorted by the National Guards, to offer their Bill of Rights and the Crown to the Duc d’Orleans. M. Lafitte, the President of the Chamber, read aloud the conditions on which the Sovereignty was proffered to him, and he ac-

cepted it on those conditions, pledging himself solemnly to the performance of the engagements imposed. Everything passed with the utmost apparent cordiality and sincerity on both sides.

Meanwhile the Chamber of Peers, which had been very little considered in all these proceedings, assembled at nine o'clock in the evening, after the proffer of the Crown to the Duc d'Orleans and the acceptance of it by him, to discuss and act upon the Resolutions which had been sent up from the Deputies. An elaborate speech was made by M. de Châteaubriand, which seems to have comprised nearly all the discussion of the meeting, warmly maintaining the pretensions of the Duc de Bordeaux. The Peers professed a feeling of delicacy in regard to an article of the Resolutions, which *unpeered* a portion of their House, and abstained from acting upon that, but adopted all the rest of the articles, by a vote of eighty to ten, and at half past ten o'clock repaired to the Palais Royal in imitation of the Deputies to signify their assent to the new constitutional act,—thus completing the formal transfer of the Crown.

The Declaration of Rights thus sanctioned by the future King, comprises amendments of the Charter of Louis XVIII., partly in respect of articles that were of a temporary nature, and partly in respect of general principles. In effect, it leaves the substance of the Charter as it stood, only making alterations in some of its provisions. The Deputies suppressed the preamble of the Char-

ter of Louis XVIII., as recognising the principle of *octroi* or royal grant, and as therefore inconsistent with the theory of national sovereignty, which ought to be the basis of a constitutional Charter. In place of this preamble a new one was substituted, which declared the throne to be vacant in fact and by right. The several changes in the body of the Charter concerned,

1. *The Public Law of the French*, as it is termed, being that part of the Charter, which in our constitutions is called the Declaration of Rights. The old Charter, while it secured the maintenance and protection of all denominations of Christianity, entitled the Catholic the religion of the State: the new one makes no such distinction in favor of the Catholic Church, simply designating it as the religion professed by the majority of the French. It also assures the freedom of the Press by providing that the censorship shall never be re-established. These two changes are of course decidedly in favor of liberty, the second evidently so, and the first not less so, as it places the Catholic and Protestant persuasions on a level. That is untrue, however, which some of the books on the Revolution assert, namely, that every system of faith, whether Christian or not, now stands on the same footing in France. The ministers of the Catholic 'and other Christian confessions' are by the Charter to receive pay from the public treasury, and of course the Christian religion, without distinction of sect, is the religion of the State.

2. *The King's Government.*

The new Charter omits the words of the 14th article, which Polignac alleged as justifying the Ordinances, and expressly declares that the King shall never suspend the laws or dispense with their execution. It also takes away the exclusive right of the King to propose laws, and communicates the initiative to each of the Chambers in common with the King; thus materially abridging the royal authority.

3. *The Chambers.* The sittings of the Chamber of Peers, which previously had been private, are made public. Deputies are eligible at the age of thirty, instead of forty, as in the old Charter; and persons otherwise qualified become electors at the age of twentyfive instead of thirty; while the pecuniary qualification of both Deputies and electors, instead of being prescribed in the Charter, is left to be settled by a law. The Chamber elects its own President, instead of submitting a list of five candidates to the King. It is expressly provided that no tax can be established nor imposed, if it has not been consented to by the two Chambers and sanctioned by the King.

4. *Particular Rights.* Two new articles are introduced here, one of which seems to be a mere flourish of rhetoric, and the other unworthy the dignity of the instrument. Of the latter, which regulates the color of the cockade, we have already spoken. The former is in these words: 'The present Charter, and the rights it consecrates, shall be intrusted

to the patriotism and courage of the National Guard and all the citizens.' It is impossible to see any practical bearing which this article has, unless it is intended as an indirect mode of inserting a recognition of the National Guard. If so, why not do it plainly and directly?

5. *Special Provisions.* These consist of an article annulling all creations of Peers during the reign of Charles X. and providing that the whole subject of the peerage shall undergo revision. Whether hereditary peerage is consonant with the institutions and congenial to the spirit of the French, we do not stop now to inquire; but supposing that the institution itself is to stand, we do not see what justice or reason there is in disqualifying the ninetythree Peers created by Charles X. Their creation was just as lawful as that of any of their fellows, being by a similar exercise of royal authority under the Charter. Every consideration of their personal devotedness to Charles, of the want of fairness in the circumstances of their exaltation, and of the injurious influence they might exert in the new order of things, applies with equal force to a great number of judicial functionaries, whom the Deputies left untouched. But in truth very little respect was paid in any part of these proceedings to the Peers, who seem to have been slighted purposely in many particulars, and who were certainly injured as a body by this individual act; for if the Deputies had power to degrade ninetythree of the Peers, they had

power to abolish the whole Chamber.

The remaining article under this head, and the last we have to mention, consists of nine promises of laws, to be enacted with the shortest possible delay. These are the extension of the trial by jury to offences of the Press, and political offences; the responsibility of Ministers and the secondary agents of Government; the reelection of Deputies appointed to public functions with salaries; the annual voting of the army estimates; the organization of the National Guards, with the intervention of the National Guards in the choice of their officers; provisions to insure in a legal manner the state of officers of every grade by land and sea; departmental and municipal institutions founded upon an elective system; public instruction and the freedom of education; the abolition of the double vote, and the settling of the qualifications of electors and of eligibility.

All these modifications of the Charter augmented the popular liberties, but came so far short of the wishes of the more ardent of the victors of the Barricades, that great fear was entertained of some furious ebullition of public opposition to the proceedings of the Chambers. However, by the exertions of the leading republicans among the Deputies the effervescence was made to subside, and the whole went off without the commission of any violence. To prevent the recurrence of disorder, the settlement of the Government was energetically hurried forward by the Deputies,

arrangements being made for administering the oath of office to the new King on Monday next following the completion of the changes in the Charter. The Lieutenant General had greatly furthered his own popularity by the cordiality of his participation in all that was done for the security of the public liberties, and the friends of the new dynasty felt that it was desirable to sail on the tide of flood to the point at which they aimed.

The Baron Capelle, in the work which he has published on the Revolution, laments that the new King was neither anointed nor crowned, but simply installed, as they instal the presiding officer of a court of justice. It is truly lamentable that the principles of civil liberty have made such small advances in Europe, that sensible men should consider the mummeries and extravagance of the forms of royal coronation used by Charles X. as alone suited to 'the advanced civilization of France.' The journals of the day dignified the ceremony with the name of enthronement; and the phrase is well enough; but whatever denomination it should bear, the act of *qualifying* the Duc d'Orleans was sufficiently solemn and impressive, and attended with quite as much of state as belongs to a revolutionary monarch. It took place in the hall of the Deputies, in presence of all the parties to the late legislative acts. M. Casimir Perrier read aloud the Declaration of the Chamber of Deputies, and presented it to the Lieutenant General, who then requested and received of Baron Pasquier the

act of adhesion of the Peers.—
The Prince then rose and said :

‘I have read with great attention the Declaration of the Chamber of Deputies and the act of adhesion of the Chamber of Peers. I have weighed and meditated all their expressions. I accept without restriction or reserve the conditions and engagements, which it contains, and the title of King of the French, which it confers upon me ; and I am ready to swear to their observance.’

M. Dupont de l’Eure, acting Keeper of the seals, delivered the form of the oath to the King, who, according to the New England form of swearing practised in France, raised his hand, and pronounced the words of the oath as follows :—

‘In the presence of God I swear faithfully to observe the constitutional Charter, with the modifications expressed in the Declaration of the Chamber of Deputies ; to govern only by the laws and according to the laws ; to cause exact and impartial justice to be done to every one according to his rights ; and to act in all things with a sole view to the interest, the happiness, and the glory of the French People.’

The King then having subscribed the three documents, sat down and pronounced the following brief speech :—

‘I have performed a great act. I deeply feel the weight of the duties which it imposes upon me ; but my conscience tells me that I shall fulfil them ; and it is with the full conviction of this that I have accepted the conditions proposed to me. I could have wish-

ed never to occupy the throne to which the national will has called me ; but I yield to this will, expressed by the Chambers in the name of the French People, for the maintenance of the Charter and the laws. The wise modifications which we have made in the Charter guaranty the security of the future ; and France, I trust, will be happy at home and respected abroad ; and the peace of Europe more and more confirmed.’

To render the ceremony more impressive the insignia of royalty were presented to the King by four Marshals of France. Marshal Macdonald presented the crown, Marshal Oudinot the sceptre, Marshal Mortier the sword, and Marshal Molitor the hand of justice.

M. Dupont de l’Eure concluded the proceedings by inviting the Deputies to meet the next day to take the oath of fidelity to the King and obedience to the constitutional Charter and the laws, and the assembly separated amid acclamations of applause, the Duc d’Orleans being now Louis Philippe, King of the French.

The first care of the King was, of course, to fix the organization of his Cabinet on a permanent basis. The *Moniteur* of August 12th announced that M. Dupont de l’Eure was appointed Keeper of the Seals ; General Gérard, Minister of War ; the Duc de Broglie, of Public Instruction ; M. Guizot, of the Interior ; Baron Louis, of Finance ; Comte Molé, of Foreign Affairs ; and Comte Sébastiani, of Marine. At the same time MM. Lafitte,

Casimir Perrier, Dupin, and Bignon became members of the Cabinet without holding portfolios. These eminent individuals, most of whom we have had frequent occasion to mention in the foregoing pages, represented the moderate party among the enemies of the late dynasty; and the same reasons, which had seemed to exact the hasty proceeding of the Deputies in the transfer of the Crown, namely, the danger of commotions in France and the necessity of conciliating the rest of Europe,—spoke loudly in favor of the formation of a Cabinet of moderate views.

The Ministers immediately proceeded to *reform* the officers of the army and the *employés* in the civil departments, by substituting for those, who held their offices or commissions from the late Government, men of their own political opinions. This was undoubtedly just and proper in such a case as a change of dynasty, a political Revolution brought on by the usurpation of the previous head of the State, and essential, indeed, to the stability of the new institutions. The officers of the old army now had their revenge for the neglect to which they had been doomed during the two last reigns. To have been prominent in the days of the Republic or the Empire became a title to reward, not a badge of disgrace. The victors of the Three Days did not manifest any indisposition to be recompensed for the toils and dangers and losses they had undergone during the last week of July. In the claims for official honors and emolu-

ments, which occupied the attention of the new Ministers, those of the journalists were not the least urgent. While their fearless conduct had certainly entitled them to be well considered, yet if they were desirous thus to cancel the merit of their professedly patriotic exertions by receiving compensation as for mercenary services performed, it may well be supposed that no Government, in the then state of France, would feel disposed to slight the pretensions of those, who governed the movements of the newspaper Press.

The next care of the new Ministers was to place themselves in amicable communication with the various powers in Europe. As to the United States there was of course no room for doubt or difficulty. Mr Rives was among the earliest of the diplomatic agents in Paris to offer his good wishes to a Government, which, beside the advantages of having plausible grounds of right to stand upon in the sense of legitimacy, had the nobler claim to respect, in the republican sense, as being the product of the sovereign will of the People. Our Government entered, without hesitation, into the most cordial and friendly intercourse with that of Louis Philippe. Nor could Great Britain fail to see that, in the recent events, France had but imitated the proceedings of the revolution, by virtue of which alone the House of Hanover ascended the throne. Whatever sympathy the Duke of Wellington had for the fate of Charles X., it was impossible for him to deny that this

Unhappy Prince had provoked and justly incurred his misfortunes. Nor would the Duke, or any other English Minister, however strained the notions he might entertain of legitimacy, have presumed to propose the quixotic plan of refusing to acknowledge Louis Philippe. England, therefore, from principle, and the Netherlands, as much from fear as principle, manifested no reluctance in renewing their amicable relations with France. Austria, Prussia, and Spain were less prompt in doing so; but they, like some of the minor States, did not feel bold enough, either individually or collectively, to defy the revolutionary spirit, which if duly provoked, seemed as capable now, as it was thirty years before, of sending out its armed missionaries to preach a fearful doctrine of liberty and conquest in every corner of Europe. Russia made a stand against the dangerous example of popular right taking to itself the companionship of popular might; but the domestic troubles of the Czar compelled him also to temporize, and at last acknowledge the new Government when he could no longer help doing it. France herself, with the democratic vigor of a national effort, speedily armed her population and assumed the attitude of defensive energy suited to her new position; and while professing an earnest desire to preserve peace, prepared herself to encounter the hazards of war without reluctance or apprehension.

All Europe now stood in fearful and anxious expectation, filled

with well founded dread lest the diffusion of the sentiment of freedom and national independence from France to other countries should kindle up intestine commotion and foreign war from one end of Europe to the other. It is not surprising that Sovereigns, whose whole rule was a series of usurpations such as that which had just hurled Charles X. from his throne, and who held their authority only by the tenure of conquest or successful oppression of their natural subjects, should begin to feel a terrible looking forward to judgment, when they heard the lesson of popular strength and popular vengeance, which the barricades of Paris proclaimed to every subject of misrule throughout the civilized world.

They saw that France had reopened a school of liberty for the teaching of nations. The Marseilles Hymn had again become classic verse, chanted by every voice and seemingly sacred to every heart, where but a few weeks before to lisp its name would have been sedition. The *Reveil du Peuple* rang once more through France, arousing her myriads like a trumpet call. The tricolored flag, which had waved in triumph over so many well fought and hard won fields of battle, was unfurled again, and flung abroad to the breeze as the standard of a martial people, full of enthusiasm and ardor, and proud to avow those forbidden tenets of national independence, which European princes would gladly keep confined to these wilds of America. What wonder

that Nicholas, or Frederick William, or Francis of Austria, or William of Nassau should have trembled in the inmost recesses of their palaces? For they saw France again revolutionary, revived, regenerate, snapping asunder the chains which had been fastened upon her at Waterloo like Sampson escaping from the toils of Delilah, and standing up in her strength as an armed knight ready to do battle against all challengers.

It comes not within the scope and compass of our present purpose to follow the effects of the Revolution at home or abroad. The repetition of the barricades of Paris in Brussels, the troubles in Italy, the revolt of the heroic Poles, the discussion of constitutional reform in England,—these and other kindred topics belong to the history of another year. We leave the French with the form and conditions of Government which their leaders had chosen for them, entering upon the agitated career of freedom under better auspices than in the old time. The whole field of political disquisition was now open to her writers and her speakers. With them, it was no longer a dispute of ordinances or double vote, or censorships, and still less of Villèle or Polignac, those ministerial bugbears, which had so long been used to frighten men withal. These were trivial questions which had passed away forever, and yielded place to more stirring matters, as the rushing tempest clears off the

mists that hover about the lower sky. It ceased to be a consideration simply of the now comparatively trifling inquiry, of what dynasty should sit on the throne of Saint Louis. In the development of the principle which was now the basis of the public law of the French, that neither divine communication to a favored individual or family, nor transmission by hereditary succession, nor prescription, nor concession from the head of the church, nor consecration by his legates and bishops, was the legitimate source of power, but that it flowed only from the supreme will of the People;—and in the consideration whether the defence of their own institutions did not require them to anticipate the formation of a hostile league of crowned heads, and to propagate the faith of liberty as it were *in partibus infidelium*, so as to raise up beforehand an adversary league of the governed millions for their reciprocal protection against the governing few;—in such deep and all comprehensive subjects of interest was the rife mind of France now absorbed, to the exclusion of every meaner thing. To the French there had commenced a period of daring speculation, of bold purpose, of brilliant promise: to all but the French, a period of vehement agitation and uncontrollable solicitude. The meteor star of revolution had arisen to pour forth its stormy light upon the nations: but what presumptuous gazer could presume to calculate its orbit?

CHAPTER XIX.

NETHERLANDS.

Opposition of the Allies to Republican Governments. — Kingdom of the Netherlands — The Creation of the Congress of Vienna. — United Provinces, Islands, &c, of German Origin. — Walloons of the Gallic race. — Contests of the Fifth Century between the Salians and Saxons. — Conversion of Witikend to Christianity. — Conquest of the Country by Charlemagne. — Corporate Trades. — Charles the great grandfather of Charles Fifth. — Marriage of his daughter with Maximilian of Austria. — Connexion with Ferdinand and Isabella. — Charles Fifth. — Reformation. — Inquisition. — Philip. — William of Japan. — The obnoxious Minister Granville. — Gueux or Beggars, the title of the Opposers of Government. — Division between the Protestants and Catholics. — Union of the Seven United Provinces. — Power of the Dutch in the Seventeenth and Eighteenth Centuries. — Conquests in the East and West Indies. — French Revolution. — Batavian Republic. — Kingdom of Holland. — French Province. — Belgium annexed to France. — Revolution of 1813. — Restoration of House of Nassau. — Constitution. — Belgium united with Holland. — Assembly of Notables. — Amended Constitution. — Public Debt. — Situation of the Netherlands as to Foreign Powers. — Internal Disputes from the Catholic Religion and Education. — Free Trade and Restriction. — Ordinances as to Language. — Budget. — M. de Potter. — His Trial. — Session of 1829. — Ministerial Responsibility. — Law on the Press. — Revolution of 26th August, 1830. — Demands of the Belgians. — Meeting of the States General, 12th September, 1830. — King's Speech. — Provisional Government at Brussels. — Attack of Prince Frederic. — Recognition of Belgians by the Prince of Orange. — Return of M. de Potter to Brussels. — Character of King William.

WHEN in 1814, after the downfall of the great chieftain, the Plenipotentiaries of the primary powers met in Congress to parcel out the fruits of their victories and to reconstruct the fabric of European society, a cardinal principle, by which they were actuated, was hostility to all republics. Recollecting what Kings and Emperors had suffered from the anarchists and military despots of France, they

did not enter into any minute examination of the modifications of which this class of governments is susceptible. The *status ante bellum*, on the strength of which the Allies had fought and conquered, was good for the Prince but of no avail when applied to the People. It is true, the absurdity was not attempted of subjecting the hardy Swiss peasantry, who had retained at least a nominal independence in the worst of times, to the sway of sovereign princes, but the ancient renown of Venice and Genoa pleaded in vain for their renewed existence as separate States; and it could hardly be expected that, in taking from France some of the most valuable additions made to her territory by the Republican and Imperial Governments, it was intended to give places in the councils of Europe to the untitled burghers of Amsterdam, or to constitute into a republic those Austrian provinces, which had of old preferred despotism and the inquisition to independence, accompanied by religious toleration.

The well concerted plans of the adherents of the house of Orange had, indeed, in some degree relieved Metternich and Castlereagh and their worthy associates from the responsibility of proclaiming to the enterprising and industrious Hollanders that that system, under which their ancestors had immortalized themselves by an almost continued struggle of eighty years with the then most powerful State of Christendom, was gone forever.

But the change which the Government of Holland underwent in

substituting a king for an hereditary stadtholder and transferring to the sovereign the whole executive power, much of which had formerly been shared with the States General and the Provincial States, is far from constituting the most important matter connected with the construction of the Kingdom of the Netherlands.

This state is truly and emphatically a creation of the Congress of Vienna, and as, from recent events, it is probable its two great divisions, which were disconnected prior to 1814, for nearly two centuries and a half, will hereafter form separate principalities, a brief reference to some of the causes which produced the marked dissimilarity between the people of Holland and Belgium may not, at this time, be without advantage.

Though the history of the Kingdom of the Netherlands fully shows that the influence of religion and present interest are more influential with nations than the recollection of a common origin, it is not unworthy of notice, that the northern section of the Kingdom, constituting the old Republic of the United Provinces, as well as Flanders and the western and maritime districts, was settled by inhabitants from Germany, while only the people between the Meuse and the Scheldt, denominated Walloons, belonged to the Gallic race. The territory of the latter, indeed, with a portion of France, formed one of the three parts of ancient Gaul, and is known by the name of Belgium in the Commentaries of Julius Cæsar.

In the contests of the fifth century between the Salians and the Saxons we have a prototype of the long wars which were to arise between France and England, and which, as has since so frequently happened, were then settled in the Low Countries.

In a subsequent age, even those Districts which had been enabled to escape the Roman yoke, were compelled to submit to the combined operations of Christianity and civilization; and when, about the commencement of the ninth century, Witikend, the last avenger of national independence, was converted to Christianity and became a noble of the Court of Charlemagne, the conquest of his country was consummated.

The same causes were everywhere attended with similar effects. The origin of the Italian Republics of the middle age and the resistance which the cities of Germany offered to the neighboring barons present many analogous features. The despotism of the Franks led the Netherlanders to form those associations for mutual protection in the different towns, which are the foundation of many of their most valuable municipal rights, and which, under almost the same name of Guild or Guilder, are to be recognised as the basis of the English corporate Trades. Within a century from the death of Charlemagne these corporations had extended themselves over the whole of Flanders; and after the crusades had diminished the power of the Nobles and increased that of the People, we trace many examples

of the successful efforts of the burghers against the influence of feudality. The Courts of the Provinces, also, though acknowledging a nominal dependence on the Emperor, ruled without reference to the superior lord.

In the fourteenth and fifteenth centuries, the Government of the Netherlands was in a great measure concentrated in the houses of Burgundy and Bavaria, which were closely connected by intermarriages. Charles, the great grandfather of the illustrious monarch of that name, having under his domination an extent of territory, exceeding that of the late Kingdom of the Netherlands, conceived the idea of assuming the royal diadem,—a project that, according to the views of those times, required the sanction of the Emperor, but in obtaining which he was defeated by his own arrogance.

The daughter and heiress of Charles married Maximilian of Austria. His son and daughter formed matrimonial connexions with the daughter and son of Ferdinand and Isabella of Castile and Arragon, — an alliance which led to the connexion with Spain, — a connexion which cost the Dutch two thirds of a century of protracted war and suffering, before their deliverance from all foreign sway was gloriously achieved.

The fruit of this marriage was the Emperor Charles Fifth, who was inaugurated Duke of Brabant and Count of Flanders and Holland, and became, by other titles and acquisitions, Sovereign of all the Netherlands almost at the same epoch that the principles of

the reformation were adopted and promulgated in the Low Countries by the Bishops of Utrecht, the learned Erasmus of Rotterdam, and other distinguished individuals.

It is from this date that we may trace those distinctions between the Northern and Southern provinces, which, fostered by national institutions leading to the pursuit of different branches of industry, overcame all ties of primitive origin and common language, and led to those frequent altercations, for which, the deliberations of the Netherlands Legislature during the whole period of its short-lived existence, was conspicuous.

Charles, who, while on the throne, had never discovered what his simple effort to make two watches go alike taught him while in retirement, the absolute impossibility of bringing about a conformity in the sentiments of mankind, laid, in his reign, the foundation of the persecution of the Protestants.

The Inquisition, in a modified form, was introduced into the Netherlands, but it was Philip who drove his subjects to an armed resistance against edicts, aimed not less at their civil liberty than at their religious faith.

This monarch, who left behind him, in his wide dominions, a most unenviable reputation for cruelty and bigotry, was wholly devoid of sympathy for the people of the Low Countries, of whose language and customs he was entirely ignorant. The States of the Provinces still possessed many of the rights usually exercised by the nobles and deputies of towns

in the feudal monarchies of the middle ages.

The most insidious attempts were made to wrest the liberties of the People from them, but they were effectually thwarted by William of Nassau, who commenced in the States General in 1559, a constitutional resistance, to which subsequent events compelled him to give a totally different aspect. In the early discussions, the removal of an obnoxious minister was the ostensible ground of opposition, and the name of Granville figures as much in the annals of 1560, as that of Vanmaanen in those of 1830 ; but the stress laid on those comparatively insignificant individuals, in the one and the other case, only proves how much easier it is to interest the feelings of the people against obnoxious rulers than to induce them to embark in the support of an abstract proposition. In this hostility, however, to the unconstitutional servants of the Crown, principles were distinctly embodied, and despotism was attacked in the persons of its ministers.

The defenders of the People's rights were stigmatized as *gueux* or beggars ; a term which, like that of Democrats or Workingmen among us, soon became a title of triumph instead of reproach.

At first, it was a general resistance to illegal edicts that united all good patriots, and the Southern Provinces co-operated with their countrymen. The city of Antwerp, indeed, was the central point of Union. But the special grievances under which the Protestants labored by the attempt to

put into vigorous execution the furious decrees of the Council of Trent against heresy, and the establishment, in its fullest rigor, of the Inquisition, gave to this persecuted sect peculiar grounds of resistance; while their deep-rooted bigotry led the Walloons Provinces, in 1578, to abandon all association with their heretical brethren, and desert the patriot cause.

This proceeding was followed by a union of the northern section of the country, the foundation of the Republic of the seven United Provinces, embracing Holland, Zealand, Utrecht, Friesland, Groningen, Overryssel and Guelderland. The new government was remarkably wanting in energy, having many of the defects, and in a still greater degree, of our old confederacy. Each province was independent, and though Holland, from its preponderating strength, possessed great influence, yet the assent of each member of the confederacy was in all cases necessary, — a provision which frequently occasioned the most ruinous delays in foreign negotiations and other matters of paramount importance. Antwerp, Ghent, Bruges, and other commercial towns had likewise, at first, sided with the cause of liberty and protestanism. They were, however, subsequently compelled by superior force to leave the association and to adopt as their exclusive faith, the religion of their Spanish rulers, which, in time eradicated Protestantism from the Provinces, that continued subject to foreign domination.

The plan of our labors only allows us to describe by way of

rapid retrospect the occurrences of those remote times. We must, therefore, pass over the cruelties of Alva the treachery of Anjou, the judgment and moderation of William of Nassau and the many interesting incidents of the civil war. From the treaty of Munster, the history of the United Provinces is blended with that of the great European world. Connected with the primary states in all the important wars and negotiations of the 17th and 18th centuries, they not only became the commercial rivals of England, but contended with her for the supremacy of the ocean. The influence of the Dutch was not confined to their own continent. They were successful in laying the foundation of colonies in the East and West Indies and many of the inhabitants of the middle section of our Union, boast a descent from the natives of Holland.

In our own revolution, the United Provinces were appealed to by the infant Republic of America, and strongly urged to aid in furtherance of a contest for those principles of national independence, of which their own annals presented so glorious a precedent.

Crippled in her naval strength, by the unequal struggles, which in the last wars she had carried on with her formidable rival, and weakened by the attempt in 1787 to diminish the power of the Stadtholder and which had been terminated by the interposition of foreign troops, Holland could offer no resistance to the overwhelming current of the French Revolution. Following the example

of the '*great nation*' the Stadtholderate was abolished, the States General were transmuted into a National Assembly, the name of the United Provinces was lost in that of the Batavian republic; and when Bonaparte subsequently assumed the imperial crown, this country was granted to his brother Louis, from whom it was in a few years wrested and annexed to the empire on the extraordinary pretext that the Provinces of Holland were an alluvion of the French rivers. Before, however, her nominal independence was annihilated, England had put an end to all those formidable means of annoyance, which the countrymen of De Ruyter and Von Tromp, had once possessed. At the battle of Camperdown (17th Oct. 1797) the principal part of the Navy of Holland was utterly destroyed, and the Colonies fell, of course, into the hands of the mistress of the ocean.

Belgium, which was one of the first conquests of the republican arms, had been long previously annexed to France; and of its history subsequent to the independence of the Northern provinces, it may suffice to observe that, in the partition of the Spanish successions, by the treaty of Utrecht in 1713, the possessions of the Catholic King in the Low Countries were ceded to the Emperor, as a compensation for his consenting to the accession of the grandson of Louis XIV., to the crown of Spain and the Indies. While, indeed, the United Provinces for two centuries, commanded the respect and admiration of mankind, the Southern Nether-

lands were only accounted of importance among nations, when it became necessary to settle a question of conflicting indemnities. Before the Austrian sway was withdrawn from these countries, it was manifested, by the result of the reforms proposed by the Emperor Joseph, that, however much influence the writings of the French philosophers might elsewhere have produced, the Provinces of the Low Countries had escaped the infection. The Catholic religion had nigh effected in the southern section of the Netherlands, in behalf of superstition, what Protestantism had formerly accomplished for more enlightened doctrines in the regions of the north. The Belgian clergy vehemently resisted all attempts to interfere with the absolute control which the usages of that religion give to the priests, over the minds and actions of their parishioners.

The revolution of Holland, of 1813, was one of those national movements, not unusual in the times in which it was accomplished. The people seemed disposed to rise in the majesty of their strength and redeem their country from the bondage of foreign oppressors. It was not, as has often been remarked, the Princes but the People, who overturned Napoleon's widely extended empire; and assuredly, if any part of Europe suffered from the French sovereignty, it was Holland. Not only was one half of the youth carried away to fight battles in which they had no interest, not only was the whole population burthened with the heaviest taxes, but the *continental system* was fatal to Am-

sterdam and the other great towns, which had been enriched by foreign trade and were dependent on commerce for a continuance of their prosperity. When, therefore, some of the partisans of the Prince of Orange, in the latter part of 1813, took advantage of the declining fortunes of Bonaparte, and collecting a trifling force of two or three hundred men, proclaimed the House of Nassau, they were seconded by the Nation at large without reference to those minor distinctions, by which they had anciently been distracted. William I. was every where proclaimed sovereign prince, and thus by the happy arrangements of his friends, he was freed from all embarrassments respecting the disputed functions of a Stadtholder; on assuming the Government, he published an address, in which he thus expressed himself with regard to the authority with which he was about to be invested. 'You desire, Netherlands, that I should be intrusted with a greater share of power than I should have possessed but for my absence. Your confidence, your affection offer me the sovereignty, and I am called upon to accept it, since the state of my country, and the situation of Europe require it.' The preliminary acts were followed by more formal arrangements. A convention of notables to the number of six hundred, selected by the householders without distinction of religion or other considerations, from twelve hundred names submitted to them by a special commission, met at Amsterdam on the 26th of March, 1814, and

adopted a political code as the basis of the new Constitution. Immediately thereafter the Prince of Orange took the requisite oath and was solemnly inaugurated in the sovereignty.

While these proceedings were occurring in the northern Provinces, Belgium was undergoing the same political transition as the other States of Europe. Though from the extended markets which Napoleon's empire shut out from all English supplies afforded for her manufactures, there was less reason for discontent there, than in the other portions of the Netherlands, it was not consistent with the views of the Allies that those rich provinces should continue annexed to the dominions of France, a final incorporation with the country, to which they had been united for several years, would unquestionably have been gratifying to the mass of the Nation, while the old nobility and privileged orders sighed for the return of the Austrian sway, under which alone their ancestral rights could be rendered of any avail. Occupied by the forces of the coalesced powers, some indication of the future disposition of the southern Provinces was given by the treaty of Paris, but it was by the treaty of London of June, 1814, that the nature of the increased territory intended for Holland, was distinctly indicated. It was then determined without consulting the component parts of the new State, that the old Republic of the United Provinces and Belgium should together constitute a Kingdom, and besides covenanting for this Union, the Allied

Powers were parties to the treaty, which required that religious liberty, and the equal right of citizens of every persuasion to fill all public employments should be maintained — that the Belgians should be fairly represented in the States General — that all commercial privileges should be open to the citizens at large — that the Dutch Colonies, some of which England had restored, should be deemed to belong equally to the whole Kingdom, and that the debt of the two countries should be a joint charge. The Duchy of Luxembourg, the only Province remaining of those which before the 16th century, had formed the Spanish Netherlands, was likewise placed under the sovereignty of the new King, but without being incorporated with the monarch. Being given as an indemnity for his hereditary dominions, it was made to constitute a part of the Germanic confederacy.

The Constitution formed for Holland, and to which we have alluded, was extended to the whole country. It had been framed, as we have seen, without reference to Belgium, but to give to this part of the Kingdom the appearance of concurring in the establishment of the fundamental code, on the promulgation of the decisions of the Sovereign Powers from Vienna, in February, 1815, a mixed commission was appointed to propose the modifications rendered necessary by the enlargement of the new State; and on the 16th of March the title of King of the Netherlands was assumed. Before the commission was prepared to report, its business was inter-

rupted by the events which were concluded by the battle of Waterloo on the 17th of June, 1815, and which affords another instance of bringing to issue the affairs of Europe in the rich and luxuriant provinces of the Netherlands. On the 13th of July following, the labors of the commission were terminated.

The Constitution gives the executive power to the Sovereign, and the legislative to him in concurrence with the States General; one House of which is elected by the Provincial Estates, who are chosen by the People, and the members of the other are named for life by the King. The independence of the Judiciary was provided for. The usual guarantees are inserted for personal liberty and private rights, though that of trial by jury generally deemed an essential provision, was not introduced. It was declared that the liberty of the press should have no other restraint than the responsibility of the writers, printers, and publishers. The Provincial States were to be continued for administrative purposes, and they also were to regulate the local budgets. The number of Deputies of the Lower House was not determined by population; but though the Southern Provinces contained more than three fifths of the whole number of inhabitants, the same amount of representation was given to each of the two portions of the Kingdom. This apparent inequality was, it was said, compensated by the fact that Batavia, Surinam, Curacoa, and St Eustatia, which were restored by

Great Britain, were peculiarly the colonies of Holland, as well as by the greater wealth of that country. Instead of deriving the benefits anticipated from the foreign possessions, we may here remark *en passant*, they were even literally sources of weakness. Though by an advantageous exchange made with the British Government in 1824, Bencoolen and all the islands of Sumatra were obtained for Malacca and the Dutch settlements on the Indian Continent, a war in Java, which broke out in 1821, was protracted through several years and only declared by the King to be terminated, in his message, delivered to the States General in the session subsequent to the secession of Belgium. Equality of religion was specially stipulated in the Constitution. As in France, the *projects* of laws came from the Government, and the Heads of Departments, whether members or not, had the right of explaining in either House, the views of the administration.

The nature of the union cannot be understood without a full knowledge of the amount and character of the debt assumed on the general account of the new Kingdom. This burden, imposed on the State at its organization, including twentyfive million florins for a Russian loan contracted at Amsterdam, and the debt anciently hypothecated by Austria on her Provinces in the Low Countries, amounted, in 1826, to 3,800,000,000 florins. In this aggregate, however, is estimated the old debt, which was not all paying an interest; but two thirds

of which having been struck off by Napoleon was still deferred and only admitted by instalments of four millions annually to the favored class. The sum at the time referred to, absolutely a charge on the yearly resources of the country, was 1,664,669,000 florins; the greater part of which was originally contracted for purposes altogether alien to the interests of Belgium. The taxes levied in 1826 are stated at 104,542,413 florins, and the average for the eleven preceding years had been 88,044,152 florins, or about £7,337,012.

On the 27th of August, 1815, the King published his decree announcing his adoption of the fundamental law. It had been approved in the Northern Provinces by the States General, convened in double the ordinary number. In the Southern Provinces, recourse was had to the same means of getting together an assembly, as had been employed in Holland on the first return of the Prince. A number of notables from each Arrondissement, were convened in proportion to the population; but as appears from the royal proclamation itself, the expectations of the King were not answered, and it was only by putting on the acts of the meeting, a forced construction, that the Constitution could be said to have been approved by his Southern subjects. Of the persons called together, one sixth did not attend; and of the remainder, only five hundred and twenty supported the *project*, while seven hundred and ninetysix opposed it. But as one hundred and twentysix of those

who voted against the Constitution formally declared that their hostility was occasioned by the articles respecting religion, and as these were conformable to the legislation which had long existed, were founded on treaties, and were in harmony with the principles which the most pious sovereigns had introduced in the system of Europe; they could not be omitted in the Constitution of the Netherlands without jeopardizing the existence of the monarchy and without weakening the guarantee of the rights of those very persons, whom these stipulations had most alarmed. In this state paper, it may be added, little respect was paid to the Catholic Clergy, who it was pretty clearly intimated, had been wanting in that evangelical charity and toleration which were to be expected from the ministers of religion.

The Kingdom of the Netherlands, as organized by the Allied Powers, was two hundred and twenty miles in length by one hundred and twenty in breadth; but though of extremely limited extent, yet, as it was the most densely populated country in Europe and possessed resources commensurate with its fertility, it might have presented the aspect of a formidable state, were there not other sources of weakness inseparable from its very existence. It was accessible to the attacks of powerful neighbors, to whom its resources afforded it no means of offering an adequate resistance.

The events that preceded the battle of Waterloo, proved that its independent sovereignty was no barrier against the inroads of its

southern neighbor, nor could much reliance in future be reposed in the extensive fortifications which formed the subject of special regulation at Vienna, but which would be found a very inadequate resistance to the arms of France supported by the sympathies of the Belgic population. Not only are the ports of the Netherlands within a few hours' sail of the English coasts, but their northern frontiers touch his Britannic Majesty's Kingdom of Hanover. On the side of Prussia, there is no natural boundary, and what was effected in favor of the Stadtholder in 1787 might be again repeated in furtherance of the interests which that State might hereafter espouse.

The Netherlands was brought still more intimately into the vortex of European politics by the alliances contracted between the families of the new Sovereign and of the neighboring potentates. The Queen is a sister of the King of Prussia. The eldest son of the King, to whom the title of Prince of Orange was given, married the sister of the late and present Emperor of Russia, after the Princess Charlotte of England refused his hand. The Prince Frederick and the Princess Marianne were assigned to members of the royal family of Prussia.

But the apprehension of foreign aggression was of little consequence compared with the irreconcilable internal dissensions which prevailed throughout the whole period of the existence of this ephemeral kingdom. The most important of these were to

be attributed to the discussions growing out of the pretensions of the Catholic Clergy, to the diversity of views between the Northern and Southern Provinces respecting the principles of commercial restriction, and to the undue preponderance given to the Dutch, both in the Legislative Councils and in the Executive Offices.

Religion was supported by the State, as in France, by payments out of the public treasury to Ministers of every sect; but though there then were five millions four hundred thousand Catholics and only one million three hundred thousand Protestants, it was mentioned in 1818 as an instance of the unfairness of the Legislative provisions, that the former received but one million eight hundred thousand florins, while one million three hundred thousand were paid to the latter.

The King required, from the beginning of his reign, that no application should be made to the See of Rome for briefs without his permission, and various other steps were taken to repress the power of the Belgian Priests. In 1823 the Catholic Societies at Brussels and Utrecht were suppressed as dangerous to the public tranquillity. In 1825 the young men were prohibited from studying out of the Kingdom, and a College of Philosophy was established at Louvain for those destined to the Church. Against this measure of the Government continued protests were made, similar to those which had been offered to the General Seminary formed at the same place by Jo-

seph Second, and when, in 1827, the King made an arrangement with the Pope, he was obliged to abandon the regulation, rendering it imperative on the students of theology to attend the public schools. By the treaty in question, the *concordat* of 1801 with the French Government, was renewed, and soon after the vacancies in the Bishoprics were supplied.

We find, however, down to the date of the revolution, complaints of the monopoly of public instruction, of the suppression of the *minor* seminaries and of the necessity imposed on fathers of families to send their children to the colleges, and it seems most certain that with the mass of the people, the danger apprehended for the church was far more cogent in inducing resistance to the oppression of the Government than any infraction of civil rights could have been.

The cry was excited that the Government wished to protestantize Belgium, and that it was necessary to take measures to preserve the free exercise of the Catholic rites. The religious feelings of their countrymen were taken advantage of by the popular leaders and M. de Potter, who was more than suspected of infidelity, published, in 1829, a pamphlet under the title of '*Union des Catholiques and des Protestans*,' in which the two most opposite factions, the *parti prêtre* and *parti democrat radical* were called on to act in concert — a scheme which was fully accomplished, and thus the Romish Church became, what it was in

Ireland, the ally of the true friends of the people. The annals of the Netherlands are almost as replete as those of our own country with discussions on free trade and the restrictive system. Unfortunately, however, for the cause of sound philosophy, the questions there as here, were generally decided, though in a different way, on sectional grounds, without leaving much opportunity for dispassionate investigation. The agriculturists and manufacturers of Belgium, deprived of the extensive home market which their incorporation with France had afforded, called loudly on the Government to prohibit the introduction of all corn from abroad as well as the importation of all foreign manufactures. With Holland on the other hand, commerce was hardly more a means of subsistence than a ruling passion, and no shackles on trade could therefore be acceptable to the countrymen of the King. In even the minutest details, the clashing of opposite interests was made apparent. While on the one side the system of transit adopted for the Northern Provinces excited the complaints of the Belgic manufacturers, on the other, the taxes imposed at their solicitation, on the importation of English goods, removed from the ports of Holland and diverted them to Hamburg, from whence they flowed into Germany.

The use of the language of the Netherlands was likewise a fruitful theme of dispute between the Government and its southern subjects. All Belgians, who had received the most ordinary educa-

tion, were capable of speaking French with more ease and fluency than the original language of the country, which differed materially, even from the dialect employed in Holland. Assimilated to the French by a hundred ties, it was with the greatest reluctance that they could be induced to abandon the language in which was to be found the literature in which they delighted, for a tongue which they deemed barbarous and which constantly reminded them of an incorporation with a people from whom they were completely estranged by feeling and interest.

With the King, however, the establishment of a national character was a favorite measure. He even attempted to confound the names of Holland and Belgium into that of the Netherlands.

In 1819 a royal ordinance appeared, requiring the use of the peculiar language of the country, viz., the Dutch or Flemish, in all public proceedings and by the *employés* of the Government. This decree, besides having in view a conformity of no importance, was aimed at the French functionaries, who had become naturalized at the organization of the new government but whose supposed partiality rendered them objects of suspicion to the Dutch. To all the inhabitants of the Southern Provinces, the proposed change was, for the reasons already given, an extremely unpopular measure. This law was at first only attempted to be partially put in force; but in the latter part of 1822 a new ordinance was published, confirming the previous one and declaring that it

should have its complete execution from 1st of January, 1823. It was found necessary subsequently further to modify the project by various decrees; but it was not till after the revolution had been commenced that the King ceased his harassing efforts to change the language of a majority of his people. By an ordinance of 4th June, 1830, all the previous policy was altered, and every one authorized to use the language he thought proper. It had then, however, become too late for concession to be of any avail.

The budget, in all constitutional countries, the topic on which to concentrate the opposition, was in the Netherlands the foundation, at every session, of many animated debates.

It was not so much the amount of the taxes, as the sources from whence they were derived, and the origin of the debt by which they were occasioned, that bore heavily on the population of the Southern Provinces. A large proportion of this debt, as we have seen, was the peculiar charge of Holland and of the several Governments which had prevailed in that country. This was placed to the joint charge of the whole State, but as the inhabitants of the Southern were twice as numerous as those of the Northern Provinces, two thirds of the debts of the latter were defrayed by the former; and this inequality was but slightly counterbalanced by the debt which had been specially placed on her Provinces in the Low Countries by Austria, and which

she exacted from the new Kingdom at its establishment.

In the nature of the taxation, also, the agricultural and manufacturing Belgians had no means of competing with the Dutch. The equal representation from the North, with the functionaries who of course voted according to the views of the Court, by whom the members of the first Chamber were also appointed, placed millions at the disposition of Van Maanen and his associates.

The financial system of the Netherlands was somewhat peculiar. Instead of submitting all the appropriations to the annual consideration of the Chambers, the mass of them were voted for ten years; thus by the decennial budget presented in 1830, sixty millions seven hundred and fifty thousand florins (twenty millions two hundred and fifty thousand dollars) were demanded, while the annual budget of that year was only seventeen millions fifty thousand florins (five millions six hundred and eightythree thousand three hundred and thirtythree dollars); and as in the very first discussions after the establishment of the Government, the opposition of the Southern Provinces was brought to bear on this subject, the efforts of the administration were directed to placing as many articles as possible beyond the reach of the contingency of the Ministry, being in the minority, while the arrangements as to the debt were so extremely artificial and intricate as to elude all ordinary investigations. But as representatives will generally

grant for a short period what they would withhold if asked for an indefinite time, whenever these debates did take place they from their very infrequency, caused comparatively greater excitement; and in 1830 the legislature did really exert a constitutional power, which is generally considered a mere matter *in terrorem*, and at one time refused the ordinary supplies.

It was therefore deemed necessary to employ the whole patronage of Government to carry on its measures. In effecting this, the King resorted to acts, which however familiar they may be to the citizens of the United States, accustomed, as we are, to see public functionaries servilely submissive to the will of their official superiors, could not be endured by the subjects of this monarchical State. Several of the members of the second Chamber happened to hold offices under the Government; but deeming their obligation to their country paramount to those which they owed their party, they voted in one of the last sessions, against the administration and were forthwith, by the advice of Van Maanen and his associates, removed from the public employ. This was deemed an assault on the chartered rights of the people; and such was the indignation of their fellow citizens, that the proposition of M. de Potter to raise a fund to indemnify those who had suffered for the assertion of their principles, was received with enthusiasm.

M. de Potter, to whom we have just referred, and who was des-

tined to become so celebrated in the revolutionary history of his country, had been previously distinguished for his literary reputation and by his publications against the Dutch administration. At the time when the proposition, of which we have spoken, was made, Mr Potter was in confinement, having been sentenced, for a former libel on the Government, to eighteen months' imprisonment and to the payment of one thousand florins. Though he wrote from his dungeon, his situation did not relieve him from any responsibility, but was arraigned in the spring of 1830, with Mr Tielmans, a public functionary in the department of Foreign Affairs and the publisher of *Courrier des Pays-Bas*, on the charge of an attempt to destroy the Government: his trial was protracted though the greater part of the month of April. The evidence on which these persons were convicted, was principally written documents. Though all the preliminary examinations were in secret, such was the popular sentiment in their favor, that it is not probable any conviction would have taken place, had juries in criminal cases been retained in the jurisprudence of the Netherlands. The sentence, however, of the tribunals condemned M. de Potter to eight and M. de Tielmans to seven years' banishment. It had, indeed, been at first intended to proceed against them for a capital offence.

The law on which the first prosecution against M. de Potter was carried on was adopted for special purposes, about the epoch of

Napoleon's return from Elba, and was never intended for times of ordinary tranquillity. It was only by implication applicable to libels. This was admitted by the Ministry, who, indirectly censuring the existing enactments, proposed, early in the session of 1829, a new law on the press. But nothing was done towards remitting the sentences of those who had been convicted under the old system, including M. de Potter. This individual, against whom the Ministerial vengeance was principally directed, soon had, however, ample occasion to triumph over his former enemies, as will abundantly appear in the sequel.

Before the period of revenge, he, with Mr Tielmans and his other associates, were obliged, having appealed in vain to the Court of Cassation, to repair, in consequence of the sentence of April, 1830, to the mountains of Switzerland. From the territories of most of the Sovereigns of Europe, they were kept, by the fear, which generally prevailed, of the contagious effect of their revolutionary principles.

At the session of 1829, the King introduced into his annual message, the discussion of a question which had long been mooted between him and his legislature. We refer to Ministerial responsibility.

Sensible that the very moment it is recognised as a constitutional doctrine, that the King can do no wrong, he becomes a mere pageant. The Sovereign of the Netherlands had ever contended against the admission of the principle, and had, in violation of what in Eng-

land and France would be deemed the sacred rights of the legislature, repeatedly urged his Ministers to declare to the Chambers, that the measures under consideration had received the express approval of his Majesty. In the message alluded to, the King says : ' If we examine what is called ministerial responsibility, of which it is more difficult to determine the true sense than the real object ; if we consider the principles of the fundamental law, which not only submits exclusively to our judgment and our decision all the regulations of the administration, but which likewise abandons to us the nature of the obligations which it pleases us to impose on the chiefs of the Departments, and which binds them to us by oaths, we think for the preservation of our political institutions, for the maintenance of the power which has been confided to us, for the lasting protection of the interests of our well beloved subjects, that we cannot listen to any other responsibility of our Ministers than to that which, besides their duty to us, has been determined for them by the fundamental and other existing laws ; and in the constitutional existence of the council of State according to the principle, that it, and not the single chief of a ministerial department ought to be heard, we find not only the exclusion of the idea of ministerial responsibility, but we see in it, moreover, for the people of the Netherlands a still greater guarantee that their interests shall be suitably examined before anything is decided on.

'The introduction of the con-

templated ministerial responsibility, before the two Chambers of which the States General are composed and before the judicial power would transfer, contrary to the fundamental law, the exercise of the royal power into other hands without giving to the liberties of the people a new guarantee — a real guarantee ; for whatever description of persons may be called on to judge the acts of the Ministers, salutary fruits cannot be collected from such a judgment, unless those to whom an account is to be rendered are placed without the ranks of the society, and consequently above the passions of the vulgar. The Netherlands do not in this respect resemble other countries, where it has been possible to introduce ministerial responsibility without inconvenience, and as an attendant on circumstances altogether foreign to those of this Kingdom.'

It was in accordance with these principles, that by a decree rendered on 23d January, 1830, the Ministers were directed to take part in all the discussions of the central committees of the two Chambers, to give their views to them either verbally or in writing, and to report to the King in order that he might make such changes in the *projects* of laws, before they were decided on, as he might under the circumstances, deem expedient.

In the session of 1830, Ministers were defeated on all points. Besides the financial discussions in which they were unsuccessful, they were obliged to withdraw the law on public instruction. The proposition of a new sedition act

as to the King and royal family, as well as the application of M. de Potter and his associates respecting the publication of their private correspondence, which had, on their trial, been placed in the custody of the courts of justice, brought up the subject of the liberty of the press. A new law on this agitating topic was pressed, though not till the Ministers were obliged to make many alterations in it. The King in his concluding message observed that, ' By the maintenance of the liberty of the press your high mightinesses have united yourselves to the Government for the suppression of injustice and calumny, the impure union of which degrades and debases this constitutional means of propagating knowledge and favoring the diffusion of intelligence.

The decennial budget was ultimately passed, and the States General closed their ordinary session on the second of June.

The ensuing month, as is elsewhere recorded, was distinguished by a Revolution in France, leading to the expulsion of the elder branch of the Bourbon family from the throne of that Kingdom.

On the 26th August, the example of the working-men of Paris was followed by the same class of persons at Brussels. The old Brabant flag was hoisted, and the people evinced their feelings by sacking the hotel of M. de Van Maanen and of others who had rendered themselves obnoxious to their indignation.

The demands of the Belgians, as first announced at Brussels, were the frank and sincere execution of the fundamental law, without restriction or interpretation in

favor of power, the removal of M. Van Maanen, a new electoral system established by law, or the more direct election by the people, the establishment of the jury, a new law respecting the organization of the judiciary, the penal responsibility of the Ministers to be established by law, a law to be enacted fixing the seat of the high court (which had been placed at the Hague) in the Southern Provinces, the cessation of the prosecutions against the liberal writers, the abrogation of all condemnations for political offences.

These reclamations were, however, soon followed by a proposition for the separation of Belgium from Holland. The Committee of Public Safety, formed 11th September, were specially charged — 1st, with securing the maintenance of the dynasty : 2d, maintaining the principle of the separation of the North from the South : 3d, to take the necessary measures for the interests of commerce, industry, and public order.

The States General met on 12th September : the King, in his address to them, thus noticed the recent revolutionary movements : ‘ in the midst of the greatest tranquillity and prosperity a revolt suddenly breaks out at Brussels, and this example is imitated in some other places. Conflagrations and pillage marked these disorders, too afflicting for my heart, the nation, and humanity, for me to present the mournful picture of them to this assembly. The measures, so far as they depended on the Government to arrest the progress of the evil, to

protect the good citizens against the evil disposed and to avert from the Kingdom the scourge of civil war, have been adopted without delay.’ He then intimates that a separation of the Provinces, which the constitution and fundamental law had united, might become necessary, and on the 13th the King proposed for the discussion of the Chambers the two following questions : First, whether experience has indicated the necessity of modifying the national institutions : Second, whether it is consistent with the general good to change what is established by treaties and the fundamental law between the two great divisions of the Kingdom.

The Deputies from Belgium, at first, appeared in the assembly; but they were insulted by the people of the Hague and ultimately withdrew.

The King determined to use force towards his refractory subjects ; and on 21st of September a proclamation was issued from Antwerp by Prince Frederick for the occupation of Brussels, where a Provisional Government had been organized, consisting of Messrs Vanderlinden, d’Hoogvoorst, Ch. Rogier, Felix de Mérode, Juan Van Halen, a native of Spain, who had been distinguished for his remarkable escape from the Spanish Inquisition, and had served in the army of Russia, was placed at the head of the military force.

On the 22d September, Prince Frederick marched on Brussels. On the 24th, 25th, and 26th there was most terrible carnage in the streets ; the houses, &c, were

several times taken and retaken. The Dutch army evacuated the Belgic capital on the 27th, having sustained a loss of 3000 out of the 9,500 men, who had taken part in the expedition.

On the 16th October, the Prince of Orange, who had been made Governor General of the Southern Provinces, acknowledged the independence of Belgium by a proclamation from Antwerp, in which he authorizes, even in those places where he still retained the ascendancy, the election of members to the national Congress. This attempt, however, of the heir apparent to put himself at the head of the revolution and thus retain in the royal family the most important portion of the Netherlands, the loss of which was menaced by the events then occurring, was without result.

The King, in his message, opening the States General of the Northern Provinces, on the 19th, expresses his surprise at the course pursued by his son, of which he seems not to have been apprized.

During the attack of the Prince Frederick, M. de Potter returned to Brussels, where he was received with triumphant marks of confidence. He was subsequently installed chief of the Provisional Government.

The further events in relation to the separation of Holland and Belgium, including the decision of the representatives at London of the Powers, who were parties to the organization of the Kingdom of the Netherlands, will properly fall within the scope of our next volume, in which it will also be our duty to detail the

measures connected with the establishment of Belgium as an independent sovereignty.

In closing our notice of the Netherlands, to which we shall never again be permitted to allude, as a united power, it may not be improper to make a few remarks respecting the King, who was destined to be the first and last Sovereign of this creation of the Holy Alliance.

William is probably the most virtuous Sovereign in Europe. His honesty is quite proverbial, and though he never gained the affection of the Belgians, they never refused to admit his integrity and the goodness of his intentions. That he possessed a high order of intellect, or was equal to the arduous task of reconciling the opposite interests of the two divisions of his Kingdom, no one will pretend. His great faults were those of his nation, whose prejudices he seemed to have imbibed. A manifest preference was given to the Dutch in the public employments, and there was too evident an indisposition to countenance the Catholic religion, which was embraced by at least two thirds of the people. As an administrator, the King, even if he did not recognise the principle of the irresponsibility of the Sovereign, should have confined his attention to a general superintendence. Instead, however, of following that system, he entered into the minutest inquiries on the most unimportant matters: and it was said that no question occurring at a Custom House could be settled until the King had personally examined the point. The Sove-

reign of the Netherlands was distinguished for the readiness by which all classes of his subjects gained access to him; but so likewise is the Emperor of Austria; and in a constitutional King such qualities are perhaps rather defects than virtues. In his commercial operations the King seemed actuated by that love of trade in which the burghers of Amsterdam so much delight; and he was actually a partner in several joint stock companies, of which he was the originator.

In the recent decision of the controversy on the North eastern boundary, referred to him by the United States and Great Britain, his Netherlands Majesty has, it is certain, fulfilled the expectations of neither party, but literally adopted the course which the enlightened negotiator, to whom the subject of a reference was once confided, feared might be adopted to our prejudice. He seems really, instead of taking strict principles of law for his guide, to have tried 'to split the difference.' To suppose, however, that even in this matter, open as it justly is to severe animadversion, the King

was actuated by the circumstances which had arisen subsequently to the reference, and which so sensibly affected the independence of his position, would be to disregard the reputation universally enjoyed by the unfortunate monarch. A knowledge of the character of the royal umpire, would induce us to ascribe the error of his decision rather to the head than to the heart.

But it is certain that we owe no special gratitude to the King of the Netherlands. To say nothing of that monarch's refusal to accede to the commercial reciprocity, proffered by us to all nations, we cannot forget that our claims, growing out of the arbitrary measures dictated by Napoleon to the former Government of Holland, and which were clearly presented to view in the able correspondence of Mr A. H. Everett with Baron Nagele, never received that attention which they pre-eminently merited from a Sovereign, who of all others had reaped, though indirectly, the greatest advantages from the French usurpation.

CHAPTER XX.

THE PENINSULA.

Spain. — Rumors. — Queen's Death. — Public Expectations. — Arrival of the new Queen. — Law of Succession. — Portugal.

THERE is no country, whose domestic condition or its internal affairs are more misrepresented than those of Spain. It is not merely that all the information, which we derive from the journals of Spain itself, is of a suspicious nature, as having been subjected to the examination of the local authorities before publication, and having been so qualified as to meet their views, or at any rate prepared and printed by the journalist with the terrors of the police continually before his eyes. This cause of distrust attaches to intelligence derived from the Spanish gazettes, in common with those of other nations, which enjoy the blessing of an absolute government and a shackled press. Nor is it owing entirely to the jealous policy of the Spanish monarchy, which is so little disposed to court the scrutiny of foreigners, or even to admit of much examination on the part of its subjects themselves. Our current intelligence in regard to the affairs of Spain is generally derived from the French newspapers,

and consists of letters written, or purporting to be written, from persons in the Peninsula. These accounts are incorrect, exaggerated, and mendacious, to a degree of which those unacquainted with the fact can have no conception. The strange absurdities concerning the state of things in Spain, which made their appearance soon after the French revolution of July, were a tissue of such downright falsehoods, affording a fair example of the fact to which we refer, and illustrating the difficulty of obtaining authentic information as to passing events in that country.

However, the period of time, which our historical record embraces, was one of great tranquillity; and such periods are barren of matter for the pen of the annalist. It was not the less fruitful of rumors, got up for the amusement of the *cafés* of Paris, or for some other less innocent purpose. The earthquake, which filled with misery the district of Orihuela in the Kingdom of Murcia, was sufficiently appalling in itself, without

the aid of any artificial amplification. But when the news reached us filtered through the newspapers of Paris, it appeared that all Cadiz had been submerged, although pains were taken, it was added, to conceal the dreadful calamity, by which so many families in the Kingdom and so many abroad would incur loss and suffering, through the merchants collected from various regions in that rich commercial city. Not much more credit is due to the statements, so often repeated, of troubles in Catalonia, the standing theatre of insurrection for the manufacturers of the newest news. Indeed, if we except the acknowledgment of Don Miguel by Spain in October, 1829, hardly any political event has occurred to invite attention, except what relates to changes in the royal family.

The King of Spain lost his third consort on the 17th of May, 1829. Like her two predecessors she died suddenly, in the flower of her age, without children. A treaty of marriage was very soon after entered into between Ferdinand, and his niece Maria Cristina de Borbon, daughter of Francis, King of Naples, and half sister of the Duchesse de Berri, and at this time twentythree years of age. The large number of Spaniards, who are exiles in foreign lands, or, if not banished, yet are languishing at home as *impurificados*, or men laboring under civil disabilities on account of their opinions or conduct in political affairs, looked forward to the intended espousals as affording them a hope of restoration to

their country, of pardon, and of readmission to the career of distinction in public service. They anticipated an act of grace and indulgence as highly likely to accompany so auspicious an event, and as being, in fact, a natural ingredient of the rejoicings and public hilarity of the nation. They conceived, also, that they had some reason to expect this from the lively and amiable character of the new Queen, and her supposed indisposition to submit to the influence of the priesthood to the same extent with her predecessor, whose life was wholly given up to rigid ascetic observances.

In another important point of view, the anticipated marriage was connected with political subjects. The Infante Don Carlos, the eldest brother of Ferdinand and presumptive heir of the Crown, was, either in reality or in supposition, the rallying point of the apostolical party. Whatever defects of character Ferdinand may possess they are traits of weakness rather than of cruelty. The bitterness of political hostility has diffused very erroneous impressions in regard to this prince. Instead of being the fierce, bigoted, brutal tyrant, which some publications have represented him to be, he is unquestionably disposed to pursue as gentle a policy, in the management of his Kingdom, as the maintenance of his authority will admit. Nothing but the opposition of the Sovereign himself has prevented the re-establishment of the Holy Office in Spain. Since the occupation of the country by the French armies

in the reign of Louis XVIII., more disturbances and insurrections have arisen from the absolutists, eager to push the Government on to greater violence and intolerance, than from the persecuted friends of the Constitution. At the present time, it can hardly be affirmed that any liberal party exists among the Spaniards. The sword, the scaffold, exile, the dungeon, have done their work upon the unhappy Constitution-ists, until few remain upon their native soil, bold enough to move in any scheme of reform or liberty. Their bravest and best have perished, or now waste their energies in the obscure sufferings of protracted banishment, in the heart-sickness of hope deferred; and what can be hoped from the disheartened and persecuted men, who have just escaped the worst punishment of unsuccessful rebellion? In Spain, therefore, there is no question except between more or less liberal members of the absolutist party, and it is to the former rather than the latter division that the wishes of the King are believed to lean, while Don Carlos favors the apostolical or ultra section of the enemies of free institutions. Of course, that portion of the Spanish nation, which deprecates the blind violence of the apostolicals, looks to the continuance of the sceptre, in the hands of Ferdinand as preferable to its transfer to Carlos, and has anxiously desired the birth of a Prince of the Asturias to give succession to the elder line.

In addition to these circumstances, so much calculated to attach interest to the arrival of

Maria Cristina in Spain, it is to be observed that her parents, the King and Queen of the Two Sicilies, the latter herself an Infanta of Spain, were to accompany the new Queen to Madrid. They came from Naples by the South of France, and crossing the Pyrenees proceeded through Barcelona and Valencia to Madrid. Catalonia was ruled at this time with a rod of iron by the Conde de España, Captain General of the province, and one of the sternest agents of absolutism in Spain. The numerous individuals in Barcelona, who suffered on account of opinions, crowded around the path of the young Queen, to swell her welcome with their acclamations, promising themselves her aid in making their peace with the king. Similar gratulation attended her in other parts of her progress onwards, and on her arrival in the court of Madrid itself, — her entire journey being one long uninterrupted ovation. The *impurificados* continued to the last to hope and expect the most agreeable results from the marriage, although without any very specific grounds of encouragement.

The Queen reached Aranjuez on the 8th of December. She was received there by the Infantes, Don Carlos and Don Francisco, the former of whom had authority to enter into the contract of marriage as proxy for the King. On the 11th she entered Madrid, amid all the rejoicings so peculiar to the Spanish people. The King and Queen of Naples and their daughter were attended by a brilliant cortège of the public authorities and troops from the

gate of Atocha, by which they entered Madrid, to the Palace at the other extremity of the city. Ferdinand and his two brothers rode on horseback by the side of the coach which contained the young Queen, with the *manolos* of Madrid dancing the fantastic *mogiganga* before them through the principal streets, every house being ornamented with brilliant hangings suspended from the balconies, and every avenue and window full of the multitudes of admiring spectators. The contract of marriage was subscribed by the royal parties in person that evening, and the next day the religious ceremony of the *velacion* was solemnized in the convent of Atocha. Splendid illuminations, with bull fights and theatrical representations prepared for the occasion, completed the rejoicings of the inhabitants of Madrid.

Meanwhile no act of amnesty made its appearance. The Duque de Frias and some other principal grandees, who had been living under a kind of general distrust on account of their liberal opinions, embraced this occasion to offer their congratulations, and to propitiate the good will of the King. It was whispered that Ferdinand himself proposed that the healing measure, which the popular sentiment called for, should be frankly accorded. He countenanced the public expectations by some unequivocal acts emanating from himself. Thus he invited the venerable and amiable Don Manuel Josef Quintana, who, like every other ardent friend of letters, had favored the cause of the Constitution and had been

since frowned upon by the Court, to write an epithalamium, and liberally recompensed the poet for his performance. But the representations of Senor Calomarde, the Minister of Grace and Justice and all powerful delegate of the apostolical party in the Cabinet, overcame the better intentions of the King, and prevented his recovering the forfeited title of *amado Fernando*, which the war of independence had consecrated. Only a few scanty favors were dealt out to individuals, who like the Conde de Cartagena, Don Pablo Morillo, bore the stigma of royal reprobation after having served their country but too faithfully and zealously.

The King and Queen of Naples continued in Spain during part of the winter of 1829 and 1830, partaking of the festivities of the court of Madrid, after which they returned home again by the way of France. If the treasure expended in this costly royal progress had been appropriated towards the payment of certain of the just debts of Naples, which she has so long pleaded poverty as an excuse for not discharging, it would have spoken better for the justice and honesty of King Francis.

The promise of offspring by his Queen was hailed by Ferdinand with peculiar joy, in consideration of the long disappointment of his wishes in this respect. He took occasion from this circumstance to revive the ancient constitution of the Spanish monarchy in regard to succession. When Philip of Anjou became King of Spain, among other violent chang-

es in the institutions of the country, he saw fit to introduce the Salic law of his own family, in derogation of the rules of descent which had elevated himself to the throne, and which had always obtained in the States of Castille. In anticipation of the possibility that the unborn infant might prove a daughter, and that no male offspring might be granted to his prayers, Ferdinand, in the plenitude of the legislative authority of absolutism, repealed the Salic law of Philip V. and restored the rules of succession of the Gothic and Austrian lines, which devolve the descent upon female, in default of male heirs. The result justified the forethought of the King, as the child proved to be a daughter, who now therefore has claims to the Crown adverse to those of Don Carlos.

We defer to another year the history of events in Portugal. They chiefly consist of the tyrannical vagaries of the usurper Miguel, who, although acknowledged during the year by Spain and the United States, did not obtain the countenance of the great pow-

ers generally. Much speculation was occasioned abroad by the fact of the recognition of Don Miguel by the United States. These things depend so entirely in Europe upon selfish considerations of family, or artificial combinations to preserve the balance of power, or a blind submission of all other questions to the single one of legitimacy or constitutionalism, that no stable or consistent principle of recognition there prevails. Hence it is that Europeans are slow to comprehend the principle, which lies at the foundation of our foreign intercourse, of holding friendly relations with every other established government, without scrutinizing the casuistical points of right, which the government may put forward to justify its own existence. It is sufficient for us *as a government*, to know that the sceptre of Miguel is received by the Portuguese themselves. As men and Christians, we trust no European will exceed us in reprobation of his character and conduct, or in solicitude that better rulers and better days may be given for unhappy Portugal.

CHAPTER XXI.

ENGLAND.

Retrospective View of the Settlement of the Catholic question in 1829.

— *Its Consequences.* — *Its essential connexion with other projects of Reform, especially of the Representation in the House of Commons.* — *Meeting of Parliament, February, 1830.* — *Debates on the Addresses in answer to the Speech from the Throne.* — *Universal Distress of the Country.* — *Amendments to the Addresses proposed; rejected.* — *Amendment moved by Lord King.* — *Reduction and Substitution of Taxes.* — *Parliamentary Reform.* — *Affairs of India.* — *Foreign Affairs.* — *Greece.* — *Portugal.* — *Death of George IV.* — *Notices of his Life and Character.* — *Accession of William IV.* — *Notices of his previous Life.* — *Dissolution of Parliament.* — *Meeting of the new Parliament.* — *Declaration of the Duke of Wellington against Parliamentary Reform.* — *Threatened Riots in London.* — *Postponement of the Royal Banquet on Lord Mayor's Day.* — *Civil List.* — *Motion for Inquiry carried against the Ministers.* — *They resign.* — *New Ministry.* — *Earl Grey Premier.* — *Reform.* — *Riots and Disturbances in the Country.*

THE most prominent event of the year 1829 in the history of Great Britain was the Revolution, for so it might justly be denominated, in the religious establishment of the country. By the Revolution of 1688, and the subsequent acts of Parliament for the settlement of the Crown, the Protestant Religion had been incorporated into the political constitution of the State. Not only the succession to the Crown, but the enjoyment of almost all political rights by individuals was exclusively confined to sectarians of the Church of England, or of the Kirk of Scotland; and while the whole people were heavily taxed for the support of ecclesiastical institutions of those denominations, all other religions,

and even Christianity itself in any other than these privileged forms of worship were not only excluded from all countenance and support, but prohibited by penalties, persecuted by disabilities, or at best partially exempted from proscriptions by an oppressive and insolent toleration. Since their civil wars of the 17th century, the British nation, mistaking the expulsion of tyrants for the establishment of liberty, had fancied themselves free, and had accustomed themselves to the pride of freedom. They had cast off the spiritual dominion of the Church of Rome, and the hereditary misrule of the Stuarts. But in breaking their own fetters they had riveted them upon others. For a tyrannical Church of Rome they had only

substituted a tyrannical Church of England. The Protestant reformation had so far prevailed among the people in the island of Great Britain, that the adherents to the Romish faith were there left in a small minority ; but the combined rigor of Church and State weighed with equal severity upon large bodies of dissenters from the legal establishment : and in Ireland, where a great majority of the people had retained their allegiance to the Pope, and their devotion to the Catholic creeds, the British laws for the establishment of the Protestant faith and the maintenance of the Protestant succession, were engines not of freedom but of the most odious oppression.

During a long series of years there had been a succession of struggles by the sufferers under this tyranny, assisted by the more disinterested efforts of the friends of civil and religious liberty, to cast off this galling yoke, and to recover the natural right of worshipping God according to the dictates of their own consciences. The greatest of all the obstacles in their way was that the maintenance exclusively of the Church of England and of the Kirk of Scotland had been incorporated in the coronation oath of the British King. In the deeply conscientious mind of George the Third, the question of Catholic emancipation was not a question of political expediency, nor of toleration, nor of justice, but of fidelity to his oath. He did not permit himself to examine or investigate argument from any other consideration. He adhered inflexibly to what he had sworn — and how-

ever erroneous we may deem the principle to be, which had thus made religious intolerance a fundamental law of the realm, we cannot withhold the tribute of respect from the motive of the scruple which never ceased to sway the determination of the King. At the time when the separate political existence of Ireland was merged in her union with Great Britain, when Mr Pitt, who had been nearly twenty years at the head of a successful administration, and had enjoyed during that long period the most unbounded royal favor, had pledged himself to obtain from Parliament the revocation of the Catholic disabilities, this impracticability of the King, not only disabled Mr Pitt from the performance of his engagement, but brought his administration itself to a sudden and unexpected close. Several years after, and subsequent to the decease of Mr Pitt, the same King had abruptly dismissed another administration for merely proposing to bring forward the project of Catholic emancipation in Parliament, and in the formation of a Ministry to supply their places had made it an express condition that they should never bring forward this obnoxious measure in Parliament, nor even make mention of it to him. His successor, George the Fourth, inherited the scruples of his father, but not his stubbornness of adherence to them. Until the last year of his life, he had resisted by all the influence that he possessed, the introduction and progress of any plan for admitting the Catholics to the equal enjoyment of civil and political rights. Even so late as

1825, the Duke of York, then heir presumptive to the Crown, had in a solemn asseveration before God, declared that he never would give his assent to any such measure, and had attributed the heaviest of the calamities which had befallen his father to the distress of mind occasioned by the importunities with which he had been pressed on this subject. The Duke of Wellington, Prime Minister, and Mr Peel, the leader of the administration in the House of Commons, had been among the most strenuous opposers of concession to the Catholics, and their services in the cause of exclusion as applied to the character, had been among the most conspicuous means by which they had risen to power. To the great surprise of all distant observers, to the utter indignation and dismay of all the Tories of Great Britain, it was under the auspices of the Duke of Wellington and Mr Peel that the emancipation of the Catholics was to obtain the sanction of Parliament and of the King.

It was remarked in the last volume of this work that this innovation upon the constitution of the British Islands could scarcely fail to be speedily followed by others of more intrinsic importance, at least to that of Great Britain. The sinecures of the Church of England, taxation by tythes, and the invidious privileges of the aristocracy connected with them, were believed to be the defects in the political institutions of that nation, the first to feel the consequences of that introduction to reform which consisted in the ad-

mission of other modes of faith to a participation in the privileges, till then exclusively reserved to the religion of the State. The march of public opinion however took a different and more decisive direction. It struck at once at the root of all the public abuses and inveterate diseases of the Government, and applied all its energies invigorated by the long contested and hardly won victory over religious prejudices, to the reform of the national representation in the House of Commons.

The House of Commons was an imperfect representation of the people, — imperfect even in its original constitution, — still more imperfect by the abuses which in a succession of ages had crept into its composition. In former ages it had sometimes effectually controlled the arbitrary authority of the Kings, and had once abolished the monarchy itself, and the aristocracy by which it was supported. Since the accession of the Hanoverian dynasty, and the virtual extinction of the Stuarts, the House of Commons had been gradually rendered subservient to the royal authority by means of influence upon the individual interests of the members. This form of Government had been worked up into a system, chiefly by Sir Robert Walpole. It was in its origin accommodated to the government of a party; the septennial act, the principal foundation of the system, having been emphatically and exclusively a Whig measure. In process of time, as the danger of a second restoration of the Stuarts gradually subsided and the nation had time

to reflect upon the practical system of the Whigs, they became discontented with the result. They saw that corruption had been substituted for divine right, as the mainspring of the Government; and tracing the evil to its source, they perceived that it originated in the House of Commons itself. This dissatisfaction first began to be manifested in the early part of the reign of George the Third. It was denounced in Burgh's political disquisitions, in which detailed statements were exhibited of the two classes of boroughs denominated close and open: in the first of which the elective franchise had degenerated into mere personal property; and in the second was confined to a very small number of dependent or indigent individuals who notoriously were in the practice of selling their suffrages to the highest bidder.

Still, however, the House of Commons was a representation of the people — it was endeared to the nation, as the body by whose agency the liberties of the people had been redeemed, maintained and preserved. The call for reform in the composition of the House was identified with the opposition, to the measures which had produced the American Revolution. It was afterwards identified with the principles of the French Revolution; and as that movement of national renovation declined from the popular features of its origin, back to the hideous alliance of military despotism with hereditary monarchy, the theories of reform in the House of Commons declined with

it. The most distinguished leaders of the British nation, in the Cabinet and in the field, against the conquering career of Napoleon were at the same time the chief defenders of the Constitution as it was, and the most determined antagonists of innovation. Parliamentary reform became synonymous with Jacobinism, and the system of rotten boroughs and virtual representation became interwoven with all the victories of Wellington, and with all the eloquence of Canning.

Among the grotesque figures of a masquerade we remember to have once seen a mask dressed on one side in a full suit of embroidered court clothes, with bag wig, side curls, point lace ruffles, sword, buckles and white silk stockings and on the other with cropped head, frock coat, pantaloons and boots. It was a perfect image of the political character of George Canning. His birth, education, temper and genius were all of this heterogeneous character, half legitimate and half spurious; ultra-royalist on one side, ultra-jacobin on the other. From the semi-democracy of Eton School, he had been transferred to the half jacobitism of Oxford University, and at each of those seminaries had imbibed a large portion of the spirit belonging to each of them, and the composition had formed in his mind a substance combustible and explosive like the mixture of nitre and sulphur. A disciple in political philosophy of Edmund Burke, and in practical politics of William Pitt, he was not gifted with the all-comprehensive intellect of

the former, nor with the lofty independence or instinctive good sense of the latter. The tendencies of all his negotiations were always to hostile issues. He had no spirit for compromise — no temper for conciliation. The summit of his ambition — the very empyreum of his imagination, as he himself declared, was to pass with the world and with posterity for a *British* Minister; and when the fancy took him, as it once did, of creating worlds, it was merely to lay them at the feet of the fast-anchored Isle.

This mixture of motives and principles in the mind of Mr Canning produced corresponding incongruities in his political system. Thus as a disciple of William Pitt he was a warm partisan for the emancipation of the Catholics, while as a full charged anti-jacobin he was an inveterate and determined antagonist of Parliamentary reform. William Pitt was not chargeable with this glaring inconsistency. He was for Catholic emancipation; he was for a reform in the House of Commons; and he had the sagacity to perceive, and the candor to acknowledge that these two measures flowed from one great elementary article of the rights of man, and that it was impossible upon any coherent theory of political morals to be at the same time in favor of one of those measures, and in opposition to the other.

They were both measures always before the tribunal of public opinion, and often debated vehemently in Parliament during the whole political life of Mr Canning. He had often borne his part in ma-

turing the successful progress of the one and in arresting that of the other. Neither of them was destined however to be brought to its final issue in his lifetime.

He was scarcely cold in his grave when the Catholic question was settled, in conformity with his opinions, by the very men who had contested it against him to the last hour of his life. The Duke of Wellington and Mr Peel had at least been consistent in their policy. They had inflexibly resisted all idea of concession to the Catholics. They had been equally tenacious in their adhesion to the ancient Constitution of the House of Commons. They were averse to reform in all its shapes. But no sooner was Mr Canning dead — no sooner were they placed in stations where all the responsibilities of persevering in the rigors of superannuated intolerance rested entirely upon themselves, than they veered about like the change of wind from north to south in the midst of a hurricane, and swept away at a single brush all the Catholic disabilities, which it had been the labor of their lives to sustain.

The removal of these disabilities was perfectly just and proper in itself, but it opened a deadly breach in the Tory system of policy. All the strongest arguments against the admission of Catholics to the enjoyment of political rights, were also arguments against Parliamentary reform. By yielding to the Catholics the right of representation, the same right was virtually conceded to all others debarred from the exercise of the same franchise by other causes

inconsistent, with the principle of equal rights. The Duke of Wellington and Mr Peel, by surrendering the argument against Catholic emancipation, virtually surrendered the argument against reform. They took from the Tories the very citadel of their system, and by yielding to the Catholic claims and still holding out against reform, they totally lost the confidence of one party, without acquiring that of the other. They were destined to feel the consequences of this half-faced fellowship in deep humiliation.

At the meeting of Parliament on the 4th of February, 1830, indications of the loss of popularity by the administration were very soon disclosed. The speech from the throne announced the termination of the war between Russia and the Ottoman Porte. It lamented the continued differences between the family of the Braganza, and the inability of the British Government to renew its diplomatic relations with Portugal. It announced a considerable reduction in the public expenditure and a diminution of the revenue. It declared the King's intention to submit to Parliament some measures calculated to facilitate and expedite the course of justice in the different parts of the United Kingdom, and others preliminary to a revision of the practice and proceedings of the superior courts. It stated that the export of British produce and manufactures in the preceding year had exceeded that of any year before; but lamented that notwithstanding this indication of active commerce,

distress should prevail among the agricultural and manufacturing classes in *some* parts of the United Kingdom.

The principal debates which ensued in both Houses of Parliament turned on the discussion of questions whether *distress*, which the speech acknowledged as prevailing in *some* parts of the Kingdom, was or was not in fact prevalent in *all* parts, as was contended by the opposition. The representatives of the agricultural, commercial, navigating and manufacturing interests concurred but in one general voice of complaint. The farmers had no market for their produce, and consequently no means for the paying of their rents. Whatever profits they might have realized even where a market was found, were absorbed by oppressive poor's rates. Commercial business had fallen off proportionably — capital could find no employment — profits dwindled to nothing; and bankruptcies multiplied. Pressed from all quarters of England, the Chancellor of the Exchequer claimed an exception where no one would have dreamt to look for it, in *Ireland*, which the Irish members by no means confirmed. The Minister had perhaps flattered himself that the concession of political enfranchisement to the Catholics had served them as a substitute for bread; but his error was quickly rectified by Mr O'Connell, who exemplified the prosperity of Ireland by the statement, that in the city of Dublin alone not less than seven thousand registered paupers subsisted upon the luxuriant charitable contribu-

tion of three half-pence each, a day, and that the condition of the farmers and laborers in the provinces, corresponded accurately with this state of destitution. That the rents were often paid from the capital of the farmer in place of profits ; and not unfrequently by the blanket and potato-pot, the solitary remnants of capital unconsumed.

An amendment was proposed in both Houses to the echoing address in answer to the speech — but without success in either. The fact of universal distress was sufficiently demonstrated ; but with regard to its causes, and the remedies to be provided for it, there was no concert of opinions. There is in truth but one cause always operating in Great Britain to produce distress, and that is the enormous burden of the national debt. Tythes and Poor Laws are but aggravations of the same. There is a condition of existence in all human societies, embracing the great mass of the population of men, whose industry barely but effectively enables them to subsist and maintain their families above absolute want, but without amassing property. Levy upon this class of men, heavy contributions by taxation, and you diminish their means of subsistence below the standard of absolute necessity. The laws of England then require that the deficiency should be supplied by taxation of their neighbors. They come upon the parish. The class immediately above them descend to the lowest ranks of independent self-supporters, and these in turn are crowded down into the condition

of paupers. This process has been constantly and very regularly going on for nearly a century ; that is, from the time when the taxation to defray the interest of the national debt first became excessive. The increase of the debt and the multiplication of paupers have advanced with equal acceleration, hand in hand, till the proportion of poor, supported by the parish has become about one sixth of the whole population. This is about the same proportion as that of slaves to the whole population of these United States.

The amendment of the Address, which pledged Parliament to an inquiry into the state of the country, was moved in the House of Peers by Lord King, and in a few of its first sentences evidently proved that the cause of the national distress was not unknown to him. It said, ‘ That after fifteen years of uninterrupted peace, this House laments that the general condition of the people is not materially improved, nor the prosperity of the country perceptibly increased. That on the contrary, the landed and manufacturing interests as well as the traders and the laboring classes of every description, have frequently been afflicted, and still continue to be weighed down by severe distress. That it is the duty of Parliament to examine into the causes which have produced these distresses, and to remove if possible the impediments which retard the progress of the national prosperity.

‘ That the necessities of life, and the materials of agriculture are made dear by taxation and regulation. By these means too

much is taken from the industrious classes, and in many instances too much is given to the privileged classes of society.

‘That it is a grievous aggravation of the public burdens, in addition to near fifty millions of taxes, deemed necessary for the public service, still further to suffer enormous sums to be extorted from the people by the intolerable monopolies of corn, beer, sugar and teas, and of other articles established for the private benefit of powerful and favored classes at the expense of the great body of consumers and of the public good.

‘By these monopolies, the cost of the first necessities of life is enhanced, the rate of profit in all trades is diminished, capital is driven abroad to seek a more profitable employment, and the productive powers of the national industry greatly reduced.’

The amendment then proceeded into more detailed observations upon the several monopolies of corn, beer and malt, sugar and tea, all in the present condition of the world and all in various modes subjected to the heavy load of taxation to pay the interest of the debt. The monopolies being all the effect of taxation, and by increasing the prices of the articles monopolized, redoubling taxation again. It concluded thus: ‘That it appears that these gigantic monopolies superadded to the heavy load of taxation, have impoverished the country, and produced the public distress. That all prohibitions and restrictions imposed for the benefit of particular classes or compa-

nies, for the purpose of producing artificial high prices are no less impolitic than unjust. That our own exclusion from the great market of the world, and the cessation of the demand at home are the necessary consequences of our own measures; because it is the nature of things that a nation, which refuses to buy the productions of other countries, cannot sell its own.

‘That we can only expect to derive permanent relief from our distresses and impoverishment in our condition from the strictest economy in every branch of the public expenditure; from the abolition of all exclusive privileges and monopolies; from an unrestricted supply of the first necessities of life, and of the materials of manufacture; and from a real free trade, by which the whole community as consumers will be greatly benefited,—the laboring classes enabled to procure a fair reward,—the capitalists to augment those funds by which all labor is supported,—and the efficiency of the British industry fully permitted to produce its natural result in enriching the country, and thus to restore and secure the public prosperity.’

This motion for a Parliamentary inquiry as well as one of a corresponding character in the House of Commons failed by overwhelming majorities. The subject of the national distress however could not be excluded from the Halls of Parliament by ministerial votes. It was reproduced by numerous petitions from every part of the Kingdom, picturing in all the varieties of forms

the wretchedness of the people. More than fifty of those petitions came from the single county of Kent, which, adjoining upon the immense metropolis of the island, has advantages from its proximity to that focus of population, which cannot be enjoyed by the remoter counties. Yet so intense was the misery which they exhibited in open day, that it was scarcely more visibly disclosed by the glare of the midnight conflagrations, which soon afterwards illuminated the same county. From Bedfordshire there came statements that the wages of the laborers gave them barely the means of protracting a cheerless existence, deprived of all the comforts and almost all the necessaries of life; and that there were parishes in the county, purely agricultural, with from fifty to ninety able-bodied men, destitute of other work, employed by the parishes and receiving four shillings a week. From Berkshire the same complaints, with allegations that the wages of persons were in some places as low as two shillings and eight pence a week. From Buckinghamshire it was averred that many persons committed depredations and misdemeanors to get into prison; thus to preserve themselves from lingering starvation. That many had contracted disorders by eating the flesh of animals that died naturally, and other unhealthy food; that their health suffers for want of fuel; and that when they apply to the parish they are charged with insolence, because they cannot starve and be contented. The representation from Cambridgeshire

was, that the laborers cast upon the parish funds, congregated on roads, in gravel-pits, with their spirits broken, constantly repining at their hard condition, and inciting each other to vicious courses, while their employers are regarded as task-masters, and the ties of attachment to the land of their birth became gradually torn asunder. From Cumberland that the distress with equal pressure weighs down, the landholder and manufacturer, the ship-owner and the miner, the employer and the laborer. From the county of Derby the magistrates, landholders and clergy represented its state as deplorable. Rents reduced and in arrear — tenants ruined; laborers unemployed and farms thrown out of cultivation. From Lincoln a petition, signed by ten thousand five hundred names declared that, ‘Unless the present urgent distress be speedily relieved it must produce disastrous consequences, hazardous to the peace and safety of the nation at large.’ A petition from the parish of Renham, in Suffolk, stated that the poor rates have been progressively increasing for some years, and that the petitioners are seriously afraid that sufferings so severe, although they have been hitherto borne with exemplary patience, will end in general riot and confusion. A petition from the freeholders farmers and others of Croydon, in Surrey, avows that the petitioners ‘can no longer endure to see their fellow-countrymen, who are born to the lot of laborers, starving under their eyes; that they shudder under the reflection

that without some timely aid, such will soon be their lot.' In presenting a petition from Frome in Somersetshire, the Bishop of Bath and Wells said, 'I have been a witness to the most afflicting distress, and which I could not if I would describe. I have seen with my own eyes, multitudes who could obtain no work and were starving; others, yoked together like oxen, drawing coals from the pits in the neighborhood.' From Essex, from Norfolk, from Hampshire, from Herefordshire, in short from every county of England, the same melancholy note of desperation was re-echoed, foreboding the disasters which afterwards ensued, while the Peers and Commoners of Britain were debating whether this complicated and universal scene of human misery was caused by an imperfect system of banking, by the restoration of payments in gold and silver in the place of depreciated paper, by the improvements of machinery, by the redundancy of population, or by the unequal distribution of wealth. The Duke of Wellington thought the distress of the manufacturers was owing to an excessive production of articles beyond what the country could consume, or foreigners purchase. That the successful application of machinery and steam to increase the efficiency of labor had enabled the manufacturer to dispense with hand labor, and not only glutted the market with goods, but deprived the workmen of their employment. That the manufactures of England exported to foreign markets came there into compe-

tition with the productions of cheap labor, and must be governed by their prices. There was one statement by the Premier which accounts for distresses and discontents far beyond the bounds of the British Islands. He showed that raw cotton sold in 1814 at two shillings and sixpence per pound, and in 1829 for sixpence. This fact, and not the American system or the tariff is the parent of the whole nullification doctrines of South Carolina. Here is a depreciation of four fifths of the value of the staple article of agricultural produce in South Carolina. This is the magician which has converted the definition of an impost duty into a tax upon exports, and rendered unconstitutional the very purpose for which the Constitution was framed by the Convention of 1787, and adopted by the people. But in the operation of this fact upon the condition of the United States, as in that of the national debt in Great Britain, there is a single primary cause of all the distresses which spread over the agricultural and all other interests. In Britain it is taxation to pay the public debt. In America it is slavery. In countries where the operative tillers of the ground are freemen, depreciation of the raw material for manufacture rather increases than diminishes the amount of home consumption. The laborer obtains less for the article which he produces—he has more of it for his own use. But in the tillage of the ground where the labor of the slave is the property of the master, the slave must be maintained at the charge of the master. Depreciation of

the product leaves the burden of maintaining the produce little if at all diminished. The slave himself becomes an insupportable charge, and the plantation goes to ruin. But as prejudice and passion seldom attribute their disasters to their true causes, they are ever on the search for such as flatter them; and thus the planter works himself up into the faith, that an impost upon iron in America knocks down the price of his short staple cotton at Liverpool, and that a road in Illinois, or a canal at Louisville, make the charge of maintaining his negroes consume four times over all the profits of his plantation, as the British statesman seeks for the cause of famine stalking over the land, in the power of steam, the multiplication of manufacturing machinery, and the restoration of cash payments by the bank.

After the consumption of many weeks in these unprofitable debates, the motions for parliamentary inquiry were rejected in both houses by ministerial majorities of four or five to one.

The administration, however, found it indispensable to propose measures tending to relieve the distress proved to be so universal and so severe. Their most essential proposal was a reduction of the duties upon beer, leather and cider. That upon beer alone amounted to three millions sterling, a sum equal to more than half the annual revenue of the United States; but an alleviation scarcely perceptible to the taxation of the people of Great Britain.

Of the other measures discuss-

ed in Parliament during this session, the bill introduced by Mr Brougham for the establishment of County Courts was preceded by an elaborate and celebrated speech, but the consideration of the bill was postponed to another session. Sir Robert Peel introduced a bill to consolidate and mitigate the statutes of forgery, in which an attempt was made to reduce this from a capital crime to an offence punishable by transportation. An amendment conformable to this principle was successful in the House of Commons, but was rejected by the Lords.

The sanguinary character of the criminal law in England, has long been a theme of just and severe reproach upon the government of that island. There is no part of the code of public morals which has been so much improved within the last century, as that which graduates the proportions between crimes and punishments. 'It is a melancholy truth,' says Blackstone in his Commentaries, 'that among the variety of actions which men are daily liable to commit, no less than one hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy; or in other words, to be worthy of instant death.' This list has been since the publication of the Commentaries much reduced; but forgery has been one of the crimes which has the longest withstood the progress of reformation. — It is, indeed, a crime of deep malignity — a crime of deliberation — a crime requiring for its commission ingenuity and skill. Against the commission of this crime, so

ciety cannot be guarded so effectually as against many others ; — it is perpetrated in secrecy, screening it from detection, and its consequences are more extensively felt than those of most other outrages upon the rights of persons or of property. George III. had been educated in the belief that it was the most atrocious of crimes, and although in several cases he extended his royal mercy to criminals guilty of murder, not a single instance occurred throughout his long reign of his granting a pardon for forgery. This rigor was not stimulated by anything of an unrelenting propensity in his nature ; but, by an erroneous estimate of the comparative atrociousness and danger of the crime. In this opinion he was sustained by that of the public, which is now no longer the same. This is sufficiently indicated by the vote in the House of Commons for repealing, as applicable to this crime, the punishment of death.

The revolution in the public opinion favorable to parliamentary reform, which had been silently taking place since the settlement of the Catholic question, was so far from having penetrated into Parliament, that the reformers were at this session unable to procure for Birmingham, or any other large town, the franchise which the borough of East Redford had forfeited, and that after two years of discussion, it was only extended into the hundred to which the borough belonged. — Far other principles were soon to prevail.

In the parliamentary discussions upon the foreign affairs of Great

Britain, the same results were displayed of measures dictated by incongruity of political system — the point of the political epigrams of George Canning. — In Spain he had suffered the revolutionists and constitution-makers to be put down by a French army, under the Duke d'Angoulême ; in Portugal, he had patronized a constitutional government, and sent an English army to Lisbon to maintain it — though, at the same time, the army were under positive orders to take no part in the internal dissensions of Portugal. Don Miguel, who for a conspiracy against his father's crown and life, had passed several years in exile at Vienna, returned to Lisbon under the protection and patronage of Great Britain. She was a party to the treaty by virtue of which he returned. — He had taken England on his way ; and there had been treated by the British government with the highest distinction. He was escorted to the Tagus by an English squadron ; was received at Lisbon by the English ambassador ; swore to the charter at the suggestion of the English government ; and was protected in his capital by English troops. The constitutional party could not doubt that they would be guaranteed against any design of usurpation on his part ; yet within a very few days after his arrival, he threw off the mask, put down the Charter and the Cortes, and instead of the regency to which he had been sworn, ascended the throne as of his own right ; convoked an assembly of his own partisans, proclaimed his absolute right to the crown, and reigned

as legitimate a tyrant as any one of his brethren in Europe. — To all this the cold-blooded policy of Mr Canning manifested a perfect indifference. The counter-revolution was in truth effected with the countenance of the British army. Don Miguel was not formally acknowledged as king of Portugal; but his blockades were recognised as legal, and the fugitives from the proscriptions of the usurper were treated by the British government with every possible indignity.

Their policy with regard to the affairs of Greece was equally selfish, contracted, and absurd. In the communities of civilized christian nations, no truly great statesman can adopt, without pernicious consequences and gross injustice, the principle of adapting all his measures to the exclusive benefit and advantage of his own country. This was the elementary error of Mr Canning and of Mr Huskisson, his ablest associate. One of the greatest blessings to mankind derived from the substitution of the Christian for the Mosaic dispensation, was the extension by Christianity to all mankind of the blessings conferred by the Mosaic law to one peculiar people. The characteristic of the Hebrew Law was the exclusive enjoyment of the favor of heaven by one family of men, and to such a perversion of excess had this principle been carried about the time when all the avenues of divine beneficence had been opened to the Gentiles by the Gospel, that the great Roman moral satirist of the age declares, that a Jew in his time would not show an inquiring tra-

veller his way, or help him to a cup of cold water, unless he was circumcised.

Non monstrare vias eadem nisi sacra colenti :
Quaesitum ad fontem solos deducere verpos.
Juvenal Sat. 14. v. 103.

It was by the same contraction of elementary principle that Mr Canning proclaimed the object of his ambition to be the acquisition of the renown of being a *British* statesman, and that Mr Huskisson repeatedly avowed in parliament the object of his policy to consist in promoting the prosperity of Great Britain, and in counteracting that of her commercial rivals. For the personal popularity of the minister at home this system may be more effective than one of more liberal expansion; but it will always lead to injustice, and often to defeat and disappointment. Thus in the affairs of Greece, as in those of Portugal, the Duke of Wellington, like Mr Canning and Mr Huskisson, must be nothing but a British statesman. The result of which in Portugal was as we have seen. What was it in Greece? The attempt to impose upon a people who had passed through a furnace more fiery than that of Nebuchadnezzar, to establish their freedom, a king ignorant of their language, a heretic to their religion, a total stranger to their country, never having shared in their afflictions, never having rendered them an hour of service, — a king from the principality of Saxe Coburg in Germany to rule over the inhabitants upon the field of Marathon, and perchance to defend again the passes of Thermopylæ; — and this king was to be thus imposed upon this people

because he had been the husband of the princess Charlotte, and received from the British treasury a pension of fifty thousand pounds sterling a year. There was nothing, absolutely nothing else in the character or circumstances of the Prince to recommend him to the Greek nation for their sovereign.

Under the same impulse to signalize himself as a *British* statesman, the Duke of Wellington, who had denominated the victory at Navarino an untoward event when the battle for Greece was fought — when by their own unparelled exertions, sufferings and sacrifices, aided by the victories and subsidies of Russia, and even by the ostensible demonstrations of a French army upon their territories, they had wrought out their salvation, and had their independence secured by the treaty of Adrianople — interposed to curtail the dimensions of the Greek territories by excluding from them the island of Candia, and by narrowing to its smallest extent their northern boundary line. The Prince of Coburg himself had *finally* the good sense to perceive that he was not the person suited to be king of Greece, and he would have saved himself some mortification, to say nothing worse, if he had availed himself of that discovery to inquire more critically into his qualifications for king of Belgium, to which the *British* statesmen have at last promoted him.

In the midst of this session of Parliament, and while they were wasting much time in debates upon all these subjects, at three o'clock in the morning of Saturday the 26th of June, died, the

King, George the Fourth, in the tenth year of his reign. As Regent however he had been for a nearly equal period of time, the executive head of the kingdom, before his accession to the throne. Never in the history of the British Islands has there been a time when their people were more prosperous as the world estimates prosperity: never a time when their Government performed so commanding a part in the affairs of Europe; and never a time when the personal character and active operation of their king were so absolute and unqualified a nullity, as while the whole political movement of the nation was propelled and directed by his sign-manual. His health had been declining from the beginning of the year. About the 15th of April the first of a series of bulletins was issued, announcing that he had suffered a bilious attack with an embarrassment in breathing. About the middle of May he became unable to affix his signature to the public papers, and an act of Parliament was passed appointing a Commission to affix it by stamp to all acts requiring the sign-manual. Had such an act passed on his first accession to the royal authority, the history of England, save in that single incident, would have been precisely what it is. His disorder continued to increase in aggravation till a violent cough with expectoration supervened. The day before his decease it occasioned the rupture of a blood vessel, which brought the scene to a close. His primary disease was an ossification of the vessels of the heart, complicated at last with a dropsy. It was attended for some

time with agonizing pain, which he bore with exemplary patience.

In the question between the hereditary and the elective principle for determining the person to be invested with the chief executive authority of powerful nations, which had heretofore divided the opinions of mankind, but which has been in constant issue since the declaration of American independence, the personal and individual characters of the men who by the operation of the two systems, have respectively been brought upon the scene of action, have had a great though silent and slowly self-unfolding effect upon the still uncompleted verdict of mankind. The result of the hereditary principle acting upon the manners and prevailing opinions of the age, is to place upon the throne men of vicious habits, of corrupted morals, of cold hearts, of frivolous tastes, of luxurious and effeminate lives; and of insignificant characters. Such was preeminently the character of George the Fourth. He was born heir apparent to the throne of the British realms. The fourth king but of the fifth generation in the Hanoverian dynasty. His first and second progenitor of that family upon whom the crown imperial of the realm had been settled on the final expulsion of the Stuarts, were natives of Germany, had received a German education, and were imbued with the arbitrary principles of feudal sovereignty, chastised and controlled by the gleams of purer light elicited from the collisions which had raised them to the throne. They had supplanted the rightful heirs of

hereditary descent, by a revolution founded on a departure from that principle. Bred themselves in the rankest hot bed of feudalism, but foreigners to the British Islands by birth, speaking scarcely at all their language, aliens to their manners and endowed with no faculties, such as command the veneration or win upon the affections of men, with contested titles to the crown and the hereditary principle of right incontestably with their antagonist, they were necessarily compelled to rely upon the principle of liberty for their support in the elevation to which it had raised them, and to vest their confidence exclusively in that portion of the statesmen and people of Britain, by whose principles and assistance the sceptre had been transferred to them.

But at the accession of George the Third, seventy years after the revolution which had displaced the Stuarts, their hopes if not their pretensions were extinguished. The old hereditary principle had resumed its sway and the son of Frederick Prince of Wales, whom George the Second his father had survived, though born in England and in a life of four score years never out of the Island had a German princess for his mother, the sum of whose political instructions to him was '*George, be King.*' Though in his first speech to Parliament he had the sagacity to declare that he gloried in being a Briton born; this was a mere flourish, to claim a hold upon the affections of the people which his ancestors and predecessors of his family had n

possessed. From the outset of his reign the principles of the Revolution were discountenanced; his favors were chiefly shared by Scottish Jacobites and Tories, and the spirit of freedom was outraged by the attempt to introduce taxation by Act of Parliament into the North American Colonies. The abortion of this effort, and the involvement of the nation in unextinguishable debt in the struggle to accomplish its purpose, constitute one half the history of his reign of half a century. The other half was a struggle equally desperate against the French Revolution, and against the progress of liberal principles throughout the world. It was reserved to be the fortune of his son and successor, to enjoy the apparent credit of accomplishing this object. His regency was signalized by the triumph of the European Alliance, as it seemed to themselves and to the world, over the long agony of the French Revolution. How fallacious and short lived that triumph was destined to be, George the Fourth did not live fully to realize; but in the achievement of the triumph he had as little personal agency as in the reverse which happened so soon after his remains were consigned to the tomb. In the days of Edward the Third, his son when Prince of Wales was the first warrior of the age. Education to the art of war was the discipline of youth for British princes, down even to the accession of the House of Hanover. James the Second, William the Third, George the First and Second, had all been military chief-

tains personally exposed to the dangers of the field or of the deck; but in the space of seventy years from the accession of George the Third to the demise of George the Fourth, although their country was during more than half that period, involved in the most formidable and bloody wars, and the country over which they ruled contending for her very existence, neither of them ever heard the whistling of a musket ball upon the field. Even at the time when the cannon ball which brought Moreau to the earth, by the mere chances of the day, might have struck instead of him the imperial head of Alexander, then at his side, even when Francis of Austria, and Frederick William of Prussia were upon the tented field, contending with Napoleon and all his legions, George the Fourth, who had sent thousands and tens of thousands of his gallant countrymen, to mingle in the strife of battle, and to die for their king and country, was himself reclining upon beds of down, and gorging upon the marrow of the land in his pavilion at Brighton, or if the thought of martial glory ever entered his soul, it never stimulated him beyond the achievement of devising embroidery for the uniform of his guards.

There were virtues in the heart and mind of George the Third; and in spite of all his weaknesses and all his errors they have embalmed his memory. He was honest; which in the days of Shakspeare and of Hamlet, *as the world went*, was to be one man in ten thousand. In the days of George the Third the proportion

had not much varied. He was sincere. He was religious without superstition, without fanaticism — a virtue of the first order in every station of human life, of transcendent excellence in a king, inasmuch as it keeps him constantly in mind, that however uncontrollable his actions may be upon earth there is a tribunal before which he will one day be called to answer for them with tremendous responsibility. There were none of these barriers to vice in the soul of his eldest son.

‘The king-becoming graces,
As justice, verity, temperance, stableness,
Bounty, perseverance, mercy, lowliness,
Devotion, patience, courage, fortitude,
He had no relish of them.’

He was not honest — he was false ; false to man — as Charles Fox and Sheridan could testify to the last hour of their lives — false to woman — as his secret and his public, his Catholic and his Protestant wife, and many a forsaken mistress, from Mrs Robinson to Lady Jersey, could testify. False to his country, to whom he gave in her Parliament through Charles Fox, the solemn pledge of his honor that he was *not* married to Mrs Fitzherbert. — The private life of George the Third was irreproachable. The example of social and domestic life set by him and his queen had a great and salutary influence upon the morals of the land. What Briton can ever look without a blush, at the *example* of private life set by George the Fourth ? His heart was radically bad ; no education could have made it good ; as no original native purity could have preserved itself from the pollutions of such

an education as he had received.

He was born on the 12th of August, 1762, the anniversary of the accession of his family to the British throne. When four days old he was created by letters patent Prince of Wales and Earl of Chester ; on the 18th of August he was baptized by the name of George Augustus Frederick : when three years old, was invested with the order of the garter, and received from the society of Ancient Britons a formal address, which he answered, probably with about as much expense of his own intellect as he ever afterwards bestowed upon *his people*. At four years of age, he was appointed Captain General of the Artillery Company of the City of London, a post which he held till his death, and in which the military renown which he acquired was not inferior to that of the trainband captain in the same service, immortalized in the verses of Cowper. In 1771, Lord Holderness was appointed governor to him and his next brother, the Duke of York, and Dr Markham, afterwards Archbishop of York, and Dr Cyril Jackson, their preceptors. Five years afterwards these officers were exchanged for the Duke of Montague and Bishop Hurd. Under the guidance and tuition of these respectable persons, he was kept totally secluded from the world, confined to a rigorous course of study, till he became an accomplished classical scholar, well versed in the Latin language, with a sufficient smattering of Greek and familiar with the modern French, German,

and Italian. His instruction in natural and experimental philosophy was adapted to the prevailing standard of the time, and he acquired a gentlemanly taste for literature, and a fashionable relish for the fine arts, especially for Painting and Music.

These are all elegant, and may be made eminently useful accomplishments. In him they were set off by others, more superficial, but more dazzling to the superficial observers of mankind. In person he was remarkably handsome. In manners, graceful and fascinating. With all the internal hardness he had the external polish of marble. But with all this care and cultivation of the surface he was educated for sensual enjoyments and not for toilsome action. He was brought up in the established religion of the state, but among his studies we hear nothing of moral philosophy, nothing of the school of ethics to which he was formed. At the age of twentyone he was admitted to the House of Lords, by the title of Duke of Cornwall. In the theory of the British constitution, the peers of the realm are the hereditary counsellors of the king, and form, in their corporate capacity, one branch of the Legislature. This theory necessarily supposes that the individuals thus honored by their birth, shall receive education suitable to the stations which they are thus privileged to occupy.—That they shall be instructed in the elements of political science, and made acquainted with the wants and interests of their country,—favored by the confidence of that country in advance,—placed in

a post of honor and of power,—free from all dependence either upon the crown or upon the people;—a duty of the sternest obligations rests upon them to qualify themselves for the high and responsible trust committed to their charge,—a trust embracing all the transcendent powers of government, legislative, judicial, and executive. These obligations weigh with accumulated gravity upon the heir apparent to the throne, to whom his appropriate functions, as a peer of the realm, should be the most effective practical school to fit him for the higher and all-embracing duties of the kingly crown, to which, in course of nature, he is to be called. This theory is founded upon a superficial observation, and a too generous estimate of human nature. The experience of all ages shows that the property of all independent hereditary power is to degenerate either into morbid energy, or more frequently into torbid inaction. The spark of ethereal flame imparted by the divine intelligence to every individual of the human race for purposes wise and good, but inscrutable to us, communicated in portions so unequal that in its extremes on the one hand it is scarcely discernible from the mere animal brute creation, while on the other it raises man to a standard little lower than the angels. In this, as in the other phenomena of mind and matter, we perceive that the creative power acts by general laws; but the limited capacity of man is unable to discover by what laws this distribution so unequal is made. We only know that it is independent

of all human agency and control ; and that it is not transmissible by descent. Genius, the attribute which of all others most approximates the human to the divine nature, to human observation appears to be the gift of chance. — It strikes, like the bolt of heaven, where it listeth. — It enters at once the British House of Peers, and the hovel of a Scottish peasant, to transform the ploughman and the peer into the two most splendid poets of the age ; but not a particle of that flame, which in them is destined to illuminate or to consume, shall descend on one individual of their posterity. The son of king Edward III., when Prince of Wales, was one of the most illustrious warriors that his native island had produced. — The son of George III., invested with the same dignity, was a mere gaudy trifler and fashionable rake — a Bond-street loungee in pall-mall, and a nerveless sybarite at Brighton. During the middle ages of Europe, France was afflicted by a succession of monarchs, known in history under the denomination of *the do-nothing kings* — *Les Roi Fainéans*. — This epithet would be perfectly characteristic of the life and reign of George IV. — From his first appearance in the world, his youth was marked only by the most unbridled licentiousness and extravagance. — From the time when he came of age, he received a grant from Parliament of sixty thousand pounds sterling for outfit, and fifty thousand pounds a year as income ; his friends, that is to say, his parasites, affected to consider this establishment

as mean and niggardly, demanded for him double that amount of income, and stimulated him to resentment against the king his father for refusing to countenance this claim of boundless profusion. — He connected himself in intimacy with the leaders of opposition to the administration, who ultimately found in his treachery to themselves, and his desertion of their cause, the reward of their attachment to him, and of their subserviency to his profligate habits of life. — Handsome in person, graceful in deportment, fascinating in manners, and profuse in expenses, he was called the most accomplished gentleman in Europe, because he had been duly drilled by the dancing, fencing and riding masters, and as ministering to sensual enjoyment had cultivated a taste for the elegant arts of music, painting, sculpture and architecture ; endowed by nature with a lively wit, his education and habits gave it the direction of satirical severity, and he indulged it in cutting sarcasms and coarse jokes upon his menials and dependants, from whom he could be in no danger of retort. This sparkling vivacity, with the splendor of his entertainments, the magnificence of his palace, the brilliancy of his equipages, and the wasteful riot of his expenditures, gave for years a dazzling gloss to his reputation, which to the vulgar observation of his countrymen, passed for indications of an accomplished prince. As if to set at defiance the moral decency of his father's court, he commenced his career with giving affected publicity to his licentious

connexion with a married woman whom he had seduced, with whom he paraded about the streets of London in an open Phaëton, and whom, two years after, he deserted, and suffered to die in shame, wretchedness and want.

His next irregular and unlawful connexion was with Mrs Fitzherbert, an Irish widow, then ten years older than himself. — A connexion sanctioned by the forms of marriage, and in which the divine law was complied with by a double violation of the law of the land. Mrs Fitzherbert was a Roman Catholic, and a British subject, with whom a marriage by the heir apparent was prohibited by at least two acts of Parliament. By one of them, the marriage was absolutely null and void — by the other, the Prince had incurred the forfeiture of his right of succession to the crown, which the lady well knew: so that of the subsequent treachery or dereliction of her royal lover she could have less cause to complain than if their union had been disavowed by religion as well as by human laws. She is yet living at the age of little less than four score, and if her influence over the mind and conduct of her paramour was in nothing more exceptionable than in preparing his conscience for giving his royal assent to the Catholic emancipation bill, she cannot, at least, be chargeable with having abused it for evil purposes. That she was instrumental in effecting a reconciliation of courtesy between him and the last relicts of the Stuart pretenders, and with the Roman Pontiff, has been ru-

mored, but without formal authentication.

However this might be, the influence of Mrs Fitzherbert was never effective, and probably never exerted to reclaim him from his habits of extravagance and dissipation, aggravated by the ruinous vice of gaming. By this his affairs soon became so much involved in debt and disorder that he was reduced to the humiliation of applying to his father for relief from his embarrassments, and suffered from him the mortification of a refusal. Then for the purpose of shaming his father into compliance, he made a theatrical display of self-sacrifice, broke up his establishment, sold his race horses, surrendered four fifths of his income for the gradual liquidation of his debts, and did penance upon ten thousand pounds sterling a year. By the baseness of these devices to bring upon his father the obloquy of miserly meanness towards his son, he alienated the affections of the king, till he discarded him from all intercourse with him public or private. Soon growing weary of his own performance in this farce of penury and persecution, he transferred his application for relief from the king to Parliament, from whom he obtained a sum of one hundred and sixty thousand pounds to pay his debts, and of twenty thousand pounds to repair his palace, on a condition of amendment and future economy, to which he assented only to afford another proof how utterly regardless of his word he was.

It was in the debate upon this act, that the fact of his secret

marriage with Mrs Fitzherbert was solemnly denied and treated as an infamous calumny by Mr Fox in the confidence of his reliance upon the word of honor of the heir apparent secretly pledged. Mr Fox afterwards discovered that in this transaction his royal highness had made him at once his instrument and his dupe, for which, it is said, he never forgave him.

Not long afterwards appeared the first decisive indications of the malady, which afflicted the last years of the king's life. Its access then was temporary, but brought on the necessary discussion in Parliament of the establishment of a regency. An act of Parliament for this purpose, vesting the regency in the prince of Wales, but under considerable restrictions upon the exercise by the regent of the royal power, was presented by the minister, adopted by the House of Commons, and had reached its last stages in the House of Peers, when all further proceedings on the subject were superseded by the recovery of the king. The agitation of the question to which this occasion gave rise, produced little less than a convulsion throughout the kingdom. The dissolute and unprincipled habits and conduct of the prince, his connexions with the leaders of the opposition to the administration, whose private morals were scarcely less exceptionable than those of the prince himself, and the dissensions between him and his father which had prevailed immediately before the occurrence of the king's disease, had so stag-

gered the confidence of the nation in his personal dispositions, that Mr Pitt found it necessary to provide by law, that the regency of the kingdom should be separated from the custody of the king's person, from the disposal of his property, from the management of his household, and even from the exercise of some of the highest powers of the royal prerogative, particularly in the creation of Peers. The regency, thus manacled, the prince had been under the necessity of consenting to accept, though not without ungracious complaints at the distrust which he had deserved, and the restraints to which he was obliged to submit.

The king, however, recovered, and the French revolution which soon followed, while it broke up into fragments the opposition to Mr Pitt's administration, dissolved also the prince's connexion with them. — He had the sagacity to perceive that a revolution, which then announced itself as founded upon the principle of subverting all royal governments, held forth banners under which a prince of Wales, and heir apparent of England, could not conveniently serve and in 1792, he made a speech in the House of Lords against the doctrines then adopted by his old friends the new Whigs, of whom he thus took leave, and henceforward voted with the ministry.

The prince of Wales, without very profound penetration, might have discovered that a reformation of his own manners, and the devotion of his faculties to the service of his country, would have

afforded a stronger argument against the doctrines of the republican revolutionists than his secession from the standard of the Whigs in Parliament. But he made no discovery which could reclaim him from his vices. — A very few years again involved him in debt inextricable, and after failing in an attempt to negotiate a loan in Holland, he at last bargained himself away by a marriage with his cousin, Caroline Amelia Elizabeth, daughter of the Duke of Brunswick, upon condition that his debts should be paid, and a larger provision should be made for his household establishment. A parliamentary grant of six hundred thousand pounds was made for the first of these objects and an annuity of one hundred and twentyfive thousand pounds a year for the last, besides a handsome outfit. The marriage took place on the 8th of April, 1795, and on the next day he deserted his conjugal duties forever, treated his wife with constant and gross indignity, compelled her to live in a separate establishment, harassed her with delicate investigations of her own conduct, drove her into a wandering exile upon the continent of Europe, denied her upon his own accession to the throne the right of recognition as his Queen, and finally aimed at once at her honor and her life by a bill of pains and penalties, before the House of Peers, for adultery with an obscure Italian by the name of Bergami. Of this charge she was acquitted, and immediately after died of a broken heart.

In 1810, the last and incurable

return of his father's disease, revived the necessity for a regency, which was conferred upon him under the restrictions contemplated twentytwo years before by Mr Pitt, some of which were, however, afterwards removed. — The custody of the king's person remaining, until his death in 1820, in the queen, and a committee of Privy-counsellors and Peers.

Ascending the throne at the age of little less than three score, the reign of George IV. could not in the course of nature be long. — Its duration was of about ten years : for his constitution, naturally strong and vigorous, though impaired by the vicious excesses of a licentious life, yet lasted nearly out the average term of years allotted to man. His days were nearly three score years and ten ; and so completely will he stand before the tribunal of posterity as a *do-nothing king*, that were his existence blotted out of the history of England, there is not a solitary law or institution, or word or deed worthy of preservation, which would pass into oblivion with him.

His next brother, the Duke of York, having died before him, he was immediately succeeded upon the throne by the third son of George III., William Henry, Duke of Clarence. It was remarked by a philosophical Roman historian, that of thirteen Roman Emperors who had reigned at the time when he wrote, one only had improved his reputation by the exercise of supreme power. To judge of the character of King William IV. at this time, would be obviously rash and pre-

mature, but thus far he appears entitled to the commendation bestowed by Tacitus upon Vespasian. His reputation as a Prince of the blood royal of England was not enviable. — He had indeed, from early youth been destined in active life to the service of his country, on the theatre of her renown, and of her power. He had risen in regular gradation from the ranks of a midshipman and lieutenant in her navy; and before the age of manhood, had breasted the battle and the breeze during the American revolutionary war. But there his services had ceased. When the age of manhood came, he had retired from its useful and honorable toils. When he became Duke of Clarence, with a parliamentary establishment of sixteen thousand pounds sterling a year, he slunk away from his proper stand, the quarter deck of a man of war, to the inglorious retirement of Bushy Park, where living in shameless notoriety with an accomplished actress of the stage, and after making her the mother of a spurious breed of children now mingling their mongrel blood with that of the proudest nobles of the kingdom, he turned her off to perish with want in a foreign land, and to be indebted for decent obsequies to the charity of strangers. And while thus he lived, Howe, and Hood, and Duncan, and Jarvis, and Collingwood, and Exmouth, and Nelson, were twining wreaths of laurel round the colossal form of their country, multiplying from year to year her mural crowns, extending her fame over every ocean, and

bearing her thunder to every land. Of these heroic warriors, the Duke of Clarence was a brother admiral; — with them and before them he rose in rank and promotion till he reached the summit of the profession forbidden to them, — the dignity of Lord High Admiral of the United Kingdom. He shared, he more than shared the *rewards* of glorious achievement; but of its labors, its toils, its dangers, its anxieties, its privations, its energies, what thought or memory could there be in the luxurious and dissolute purloins of Bushy Park?

But the rising sun will never be destitute of worshippers. — George IV. departed without being desired. The accession of William IV. was welcomed with joyous acclamations. His early life had brought him into familiar intercourse with the laborious and common classes of men; from which the heir apparent had always been preposterously secluded. The midshipman of a man of war had been under the command of plebeian superiors — the messmate of simple commoners — the companion of rude and hardy tars, and there had taken lessons of language more energetic than dignified, and formed a taste for manners more popular than refined. A sailor king was a novelty in the British Islands, and gave to the person uniting the characters, a double hold at once upon the affections and the reverence of the people. It had, indeed, once before been combined in the person of an unfortunate Prince, the last of the Stuart line; and if James II. had not sacrificed

three kingdoms for a mass, his naval exploits would perhaps have atoned for all his other follies, and have left him to die in possession of the throne. The career of William IV. had not been signalized by any brilliant achievement, but it had given him the glossary of the seaman's language, and the rude but hearty and hardy manners of the gun-deck. It has been said that his instruction as Lord High Admiral of Great Britain to Admiral Codrington, which produced the victory of Navarino, was conveyed in the significant words 'Go it, Ned,' in a postscript to an official despatch, — and when on a recent occasion he was suddenly called to go to the House of Peers to dissolve the Parliament, the royal state coach not being in a state of preparation, he ordered his servants if the yacht could not be got ready, to send him the yawl.

These anecdotes may be apocryphal, but whether real sayings from the royal lips, or probable fictions of courtiers around him, they indicate the character of the man. A Commodore Trunnion upon the throne, and they seized hold at once upon the imagination and the heart of the British people. He was withal affable in his manners, cordial in his deportment, and in the establishment of his household, descended from the stiff and scornful dignity of the old courts, approximating to the domestic arrangements of private families in the middle ranks of society. His reign commenced, therefore, under auspices of great popularity. During the wars of the French Revolution,

the Duke of Clarence had steadily adhered to the Tory Administrations of his country; and Mr Canning, when at the head of the ministry, after the death of the Earl of Liverpool, seeking from every quarter support in his struggle against an overbearing aristocracy, had brought the Duke himself in as Lord High Admiral of the kingdom, an office which had been laid up in ordinary since the decease of George, Prince of Denmark, the husband of Queen Ann. This experiment had not proved remarkably successful. The Lord High Admiral was said to have been overliberal in the use of funds without waiting for parliamentary appropriations. He had found it advisable during the administration of the Duke of Wellington, to resign his office, which was again vested in a board of commissioners, as it had been for more than a century before his appointment. But notwithstanding this, and notwithstanding recent family connexions had been formed between the Fitz-Clarences, and certain distinguished members of the Whig opposition, William IV. on his first accession to the throne, retained all the ministers in office at the decease of his predecessor. In commanding them to continue their services, he gave them an assurance of his perfect confidence in their zeal and ability, and a declaration that no change would be made in the principles upon which the government had been conducted by them. Disappointed in their expectations from the change in the person of the monarch, the opposition adapted

their course of hostility against the ministry to the new circumstances of the time, and brought forward, even after a message from the crown announcing a speedy dissolution of Parliament, and recommending a speedy despatch of the necessary business of the session, a motion for an immediate settlement of a Regency and the civil list. This proposition was defeated by a large majority, and Parliament was dissolved under a general expectation, soon to be signally disappointed, that the power of the Duke of Wellington and his ministry was consolidated upon an immovable foundation.

The new Parliament met on the second of November. In the interval between the dissolution and that day, events of transcendent importance had occurred in other countries, which had totally changed the face of continental Europe, and had prepared times of trouble and of convulsion in the British islands. The Revolution of the three days of Barricades, at the close of the month of July — the expulsion of Charles X. and of his family from France — the elevation of the Duke of Orleans to the vacant throne — the dismemberment of the kingdom of the Netherlands — and the insurrection of the Poles against the Russian autocracy at Warsaw, the former related in other chapters of this volume, had all occurred. All Europe was in combustion. The revolutionary flame was already burning fiercely in Ireland, upon the agitation of a proposal for a repeal of the Act of Union with Great Britain; and even in the larger island, the pro-

gress of popular revolutions in the adjoining lands, had stirred up all the elements of public discontent, and revived with redoubled fury the clamors for retrenchment and reform. The progress of the elections had disclosed, unexpectedly to all, the decline of the Duke of Wellington's popularity — very recently before so unrivalled, that some of his enemies made no scruple of insinuating that the crown itself was not safe from the grasp of his ambition. He was himself far from perceiving the height from which he had fallen. He had not dared to refuse the recognition of the new government of France; but with regard to the Revolution in the Netherlands, he had manifested a disposition to take part against the people, which the spirit of the age could no longer endure.

The king opened the session of Parliament by a speech in person. He stated that since the dissolution of the late Parliament events of deep interest and importance had occurred on the continent of Europe.

That the elder branch of the House of Bourbon no longer reigned in France, and that the Duke of Orleans had been called to the throne by the title of King of the French. — That having received from the new sovereign a declaration of his earnest desire to cultivate the good understanding, and to maintain inviolate all the engagements subsisting with Great Britain, he *did not hesitate* to continue his diplomatic relations and friendly intercourse with the French Court.

That he had witnessed with

deep regret the state of affairs in the Low Countries. He lamented that the *enlightened* administration of the king should not have preserved his dominions from REVOLT, and that the wise and prudent measure of submitting the desires and complaints of his people to the deliberations of an extraordinary meeting of the States General, should have led to no satisfactory result. — That he was endeavoring, in concert with his allies, to devise such means of restoring tranquillity as might be compatible with the welfare and good government of the Netherlands, and with the future security of other states.

That notwithstanding the appearances of tumult and disorder in different parts of Europe, he hoped to preserve to his people the blessings of peace, — and that the *determination to maintain, in conjunction with his Allies, those general treaties by which the political system of Europe has been established*, would offer the best security for the repose of the world.

That he had not yet accredited his ambassador at the court of Lisbon ; but that as Don Miguel had determined to grant a general act of amnesty, he thought the time might shortly arrive for renewing the relations which had so long existed between the two countries.

He recommended an immediate consideration of an act for the establishment of a Regency in the event of his decease, before his successor should arrive at years of maturity ; and the establishment

of a civil list, upon which he said he placed without reserve, at the disposal of parliament, his interest in the hereditary revenues, and in the funds derivable from droits of admiralty, the West India duties, or other casual revenue.

He deeply lamented that in some districts of the country the property of his subjects had been endangered by combinations for the destruction of machinery, and that serious losses had been sustained through the acts of wicked incendiaries.

He could not view without grief and indignation, the efforts industriously made to excite among the people a spirit of discontent and disaffection, and to disturb the concord prevailing between those parts of his dominions, the union of which was essential to their common strength, and common happiness. He was determined to exert to the utmost of his power, all the means which the law and the constitution had placed at his disposal, for the punishment of sedition, and for the prompt suppression of outrage and disorder.

Amidst all the difficulties of the present conjuncture, he reflected with the highest satisfaction on the loyalty and affectionate attachment of the great body of the people. — He was confident that they justly appreciated the full advantages of the happy form of government, under which, through the favor of Divine Providence, the country had enjoyed for a long succession of years, a *greater share* of internal peace, of commercial prosperity, of true liberty,

of all that constitutes social happiness, *than has fallen to the lot of any other country in the world.*

He concluded by affirming it to be the object of his life to preserve these blessings to this people, and to transmit them unimpaired to posterity; and that he was animated in the discharge of the sacred duty committed to him by the firmest reliance on the wisdom of Parliament, and on the cordial support of his faithful and loyal subjects.

There is always a glaring incongruity between the form and the substance of the speeches of the kings of Great Britain to their Parliament. In form, they speak in the first person, and descant at large upon their own virtues and graces. In substance, they perform the part of school boys reciting their lessons; or in the more courtly and sarcastic language of Junius, they give graceful utterance to the sentiments of the minister. The king of England writes not one line of the speech that he delivers from the throne. He is responsible for not one word that he speaks. His ministers are responsible for it all with their heads, and it is of course always written by them. The personal dispositions of the king are therefore of no account, and paragraphs of self-encomium and gratulation in their speeches, are merely modes of flattery, really addressed by the minister to the king, though apparently delivered by the king to his people. The speech is always reechoed by addresses from both houses of Parliament, and the debates upon these addresses are at once the

severest criticisms upon the speech, and the most decisive trials of strength between the administration and their opponents.

To this ordeal the first parliamentary speech of William IV. was immediately brought. — And first a gross inconsistency of first principles was charged upon its different parts. It declared that the king *did not hesitate* to continue his diplomatic relations and friendly intercourse with the court of France, although the elder branch of the House of Bourbon had ceased to reign in that kingdom, and the Duke of Orleans had been called to the throne. The only reason assigned for his recognition of the total overthrow of legitimacy by a popular insurrection, and this acknowledgment, *without hesitation*, of a government, without title, monarchical or republican, hereditary or elective, was that the new king of the French had declared his earnest desire to cultivate the good understanding, and to maintain the engagements subsisting with Great Britain. Here was the system of non-intervention in all its purity. But when he came to speak of the Belgian Revolution, how altered was the tone! It was styled a *revolt* against an *enlightened* government, aggravated by the rejection of wise and prudent measures of the Dutch king, which his royal brother of England lamented; and it stated that he was with his allies devising means to restore tranquillity, compatible not only with the security of other states, but with the welfare and good government of the Netherlands. Here was the

principle of intervention in its rankst and most offensive form. The king of England, after pronouncing the revolutionary movement in Belgium a wanton revolt against an enlightened government was devising means for *restoring* good government;—and it was impossible to read the whole paragraph without inferring that in his majesty's perception and judgment the enlightened government and the good government were the same.

Then again with regard to Portugal the principle of non-intervention was resumed for the benefit of a tyrant and usurper. Mr Canning had sent a British army into Portugal to put him down. He had accomplished his purposes directly in their face; and, indeed, with their countenance, if not their support. The troops had then been withdrawn; all the supporters both of a free constitutional government and of the ancient monarchy had been abandoned to the merciless vengeance of the usurper, which, after he had glutted by bloody executions, imprisonments, banishments and confiscations, king William was about to recognise Don Miguel as a legitimate sovereign, upon his issuing a general act of amnesty, of his faithful performance of which, he had given a foretaste by the violation of all the engagements and treaties which he had so recently subscribed for the settlement of the crown upon the daughter of his brother, then Emperor of Brazil.

These inconsistencies were seized upon with great eagerness by the opposition in both houses

of Parliament, headed in the House of Peers by Earl Grey, and in the Commons by Henry Brougham, then first returned as a member from the populous county of York. They were inconsistencies of the most dangerous kind: for they tended to deprive the Duke of Wellington of that reputation which, till then, had constituted his principal power—the reputation of firmness and energy.—Compared together, his course of proceeding towards France, and towards the Netherlands, indicated a feeble, timid, and vacillating policy? ‘Willing to wound, and yet afraid to strike,’—overawed by the giant form of revolutionary France; but bold and daring in the attempt to put down the same spirit upon the small and contracted theatre of Belgium.

The paragraph of the speech respecting the tumults and disorders prevailing in various parts of the kingdom, seemed to have a special reference to the state of Ireland, and was thought to bear peculiarly upon one member of the House of Commons, O’Connell, the Irishman. He, after sharing in the triumph of Catholic emancipation, had taken his seat without opposition, after a fruitless attempt to take it before the Catholic bill had passed.—That question settled, he had raised another, by stimulating the people of Ireland to demand the repeal of the Act of Union between that island and Great Britain. The proposal had been received in Ireland with great favor, and had been made the signal for reunion of the two great parties into which that country had been

so long divided. The royal speech alluded to these efforts in a tone which left no reason to doubt that the whole power of the government would be exerted to suppress this attempt if it should be made.

There was another point upon which the speech presented itself with awkwardness from a want of precision in the language of its composition. It made a show of placing at the disposal of Parliament all the king's personal and individual property; but upon inquiry it was found that the revenues of the Duchies of Cornwall and Lancaster were tacitly excepted. A warm and angry debate upon this question followed upon the discovery, the result of which was to leave on the public mind the impression of a mean and ungracious act on the part of the king, in that which was blazoned forth in the speech as a sacrifice of splendid munificence.

From the time of the settlement of the Catholic question until the demise of George IV., the Duke of Wellington's administration had appeared by disarming the opposition of the Whigs, to have gained in support from that party more of popularity than it had lost in the favor of the Tories. We have seen that in the last session of the preceding Parliament, every motion for parliamentary inquiry into the state of the country, though at a period of deep and universal distress, had been voted down by overwhelming majorities in both Houses, and the reformers had been unable to obtain even a transfer of the right of represen-

tation, from the borough of East Redford, disfranchised for corruption, to the populous and unrepresented towns of Birmingham or Manchester. William IV. at his accession, had given his entire and unqualified confidence to the ministers left in office by his brother, and a new Parliament had assembled, without any intervening act of the administration, which could have affected seriously their popularity. The Duke of Wellington must have known that his ascendancy in this Parliament would not be as entire as it had been in the last, but he appears to have been altogether unaware of the extent of the disaffection he was to experience. It was a singular but surely not an un instructive spectacle to see his fame and power, colossal as they were, fall before the touch of an invisible hand — and that hand was the re-expulsion of the 'elder branch of the House of Bourbon.' From the day when they no longer reigned in France, he no longer reigned in England. Such is the great and tremendous lesson of the French Revolution. — In all its vicissitudes, the great primitive principles upon which it is founded have proved unextinguishable. The Duke of Wellington with all Europe at his back had vanquished Napoleon upon the theatre of his glory; the field of battle. — He had been 'Le Vainqueur du Vainqueur de la Terre.' — He had led the Bourbons back in triumph to their throne, and delivered his moral lectures in Paris to the people of France after 'the long agony was over.' It was now the

turn of the people of France to moralize with him, — to teach him that if Salamanca and Vittoria, and Talavera, and La belle Alliance, could suffice to break the sceptre of Napoleon, and strip from his brow the imperial diadem won at Lodi, and Arcole, and Marengo, the field of battle was not the scene upon which the French Revolution was to close.

Three days of the barricades of Paris had rolled down the stone of Sisyphus, which all the monarchies of Europe had been five and twenty years in heaving up. The long agony was to recommence, and the fame of the Duke of Wellington was gone. The armed head of Napoleon might have risen before him like Samuel raised by the Witch of Endor before Saul; and have said, ‘tomorrow thou shalt be with me.’

His antagonists, especially Henry Brougham, had seized at a glance the condition to which he was coming, and as he was towering in his pride of state, had sped the shaft to transfix him in his flight. On the hustings at York, at public meetings and political dinners, during the canvass for the new Parliament, and by various publications through the medium of the press, he had prepared the way for the attack upon him at the meeting of Parliament. This he made in a splendid speech, exposing the weakness and inconsistency of that which had been delivered from the throne, and laying down as a principle never to be departed from, the universal rule of non-interference in the internal affairs of neighboring states; — a rule

which, however occasionally suited to the purposes of opposition never can be an inflexible rule to any administration of the British government. In this speech he declared that the existing administration was composed of the feeblest ministers, into whose hands, by a strange combination of accidents, the government of the country ever fell — hardly sufficient to manage the routine of official business in the calmest times — unable to manage the business of the House of Commons in ordinary times — yet deeming themselves sufficient to manage the business of a great and complicated war. In the House of Peers, Earl Grey, with more dignity and decorum, without insulting personalities, repeated the censure upon the intension indicated in the royal speech of interfering in the internal affairs of the Netherlands; and upon the qualification of the Belgian Revolution, as a revolt, against an enlightened and paternal government; and he took an early occasion to remark, that in his belief, if the government did not yield to measures of temperate reform, they must make up their minds to witness the destruction of the constitution; and that ministers might now pursue with safety measures for improving the representation, which would be ultimately forced upon them at a season of greater difficulty and danger. To this, the Duke of Wellington replied, that so far from being prepared with any measure of reform, he was convinced that no reform was necessary; that in his opinion the representation of the country was

perfect, and that any attempt at reforming it would be an impolitic interference with the best legislative system that ever existed. — ‘For my own part,’ said he, ‘I will say that I never heard that any country ever had a more improved, or more satisfactory representation than this country enjoys at this moment. I do say that this country has now a legislature more calculated to answer all the purposes of a good legislature than any other *that can well be devised*; that it possesses, and deservedly possesses the confidence of the country, and that its discussions have a powerful influence in the country. And I will say further, that if I had to form a legislature, I would create one, — not equal in excellence to the present, for that I could not expect to be able to do, but something as nearly of the same description as possible. I should form it of men possessed of a very large portion of the property of the country, in which the landlords should have a great preponderance. I therefore am not prepared with any measure of parliamentary reform, nor shall any measure of the kind be proposed by the government so long as I hold my present position.’

This declaration, not less feeble in argument than military and dictatorial in form, sealed the official doom of the Duke of Wellington. The panegyric upon the existing system of parliamentary representation, might have been cheered by the Whigs themselves immediately after the battle of Waterloo, but it was now no more in season. It was in sub-

stance what George Canning had said much more smartly over his wine, at every canvassing dinner which had been given him to the day of his death. It was very little more than Earl Grey, who was now taunting him with a challenge of reform, had said at a public dinner, when in 1818 his loyalty had been refreshed by the issue of the same battle of Waterloo. Twentyfive years before, Mr Charles Grey, in the first inflammatory stage of the French Revolution, had come into the House of Commons in the fever-heat of reform. He had commenced his parliamentary career by joining in the clamor for reform to embarrass the administration of Mr Pitt. His father, however, had shortly afterwards been raised to the peerage for sundry achievements of pillage upon neutral American commerce in the West Indies, for which the British nation were afterwards compelled to pay, and the zeal for reform of Mr Charles Grey cooled down to the freezing point. At the decease of his father, he became himself a peer, and was afterwards raised to an earldom; and for a short time during the administration of *all the talents*, was the secretary of state for foreign affairs by the name of Lord Howick. In 1812, when the House of Commons and the Prince Regent were searching for an efficient ministry, like Diogenes with the lantern in his hand looking out for a man, Earl Grey received the Prince’s commands to form such a ministry, of which he was to be the premier, but very indignantly threw up the

commission upon the Prince's refusal to turn out four of his domestic servants dignified with the title of Lords: thereby as his friend Sheridan reproached him, abandoning the welfare of his country and the destinies of Europe to the imbecility of Liverpool and Castlereagh, 'for the sake of four white sticks.'

Earl Grey lost also thereby the opportunity of bringing the war to that glorious and triumphant close — the conquest of France, and the restoration of the Bourbons. Unable from his own overbearing arrogance and obstinacy to form a firm and efficient ministry, he continued the head of a weak and inefficient opposition; and in 1818, at some public dinner, not only recanted all his old partialities for parliamentary reform, but went out of his way to draw an invidious and offensive parallel between the British mode of representation and that of the *United States of America* — declaring his decided preference of the former.

On the score of consistency, therefore, the Duke of Wellington had greatly the advantage in this debate over Earl Grey. In the domineering tone of their tempers, there was little to choose between them. But the Earl had caught ere she changed, the Cynthia of the minute, parliamentary reform, and he returned to the standard from which he had deserted. It is hoped he has discovered that the representative system of the United States of America is not quite so bad as that which gave old Sarum and East Redford two members each,

and Birmingham and Manchester none at all.

The Duke of Wellington discovered very soon, and in a very feeling manner, that the most perfect system of representation 'that could well be devised' no longer reigned in England. He could not show himself in the streets of London without being pelted with stones. — He was covered with odium; and precisely at that moment occurred an incident, very trifling in itself, but which covered him and his administration with ridicule.

We have seen that the king's speech to Parliament was delivered on the second of November. The ninth of that month was the annual festival, known by the name of Lord Mayor's day. It had been usual for the kings of England who affected popularity, to accept, shortly after their accession to the throne, an invitation to go in procession with the Queen to Guildhall, and there to partake of a banquet with the Lord Mayor, and the Corporation of London. Such an invitation had been given to King William, and accepted by him, and the Lord Mayor's day had been fixed upon for the festivity. The preparations for it were accordingly magnificent. The precedents of royal conviviality in the city had been drawn out from long years of oblivion, and consulted for repetition. A committee of arrangements had been appointed, and the loyal and the curious were all on the tiptoe of expectation. Orders had been given for a general illumination of the streets along the whole line of the procession. The

lamps were displaying their variegated colors in advance, and the inventive genius of the city was upon the rack for designs to represent in elegant and classical devices the happiness of the land under the paternal government of the sailor king. The prudent and thrifty shopkeepers had let their front windows for the day at prices nearly equivalent to their rent for the year, and strangers had flocked from all parts of the United Kingdom to tell their grand children hereafter that they had seen King William feasting with the Lord Mayor of London. All the invitations had been issued, and large sums had been offered and refused for tickets of admission. Wise precautions had also been taken to prevent tumults and preserve order among the multitudes of people who were expected to be assembled. Six thousand citizens of the livery of London were to line the streets, and nearly two thousand special constables had been qualified by oath in aid of the police.

In the midst of all this excitement and apparatus of preparation a project of personal violence at least upon the Duke of Wellington was formed, or was apprehended by some of the city authorities. It was threatened in multitudes of inflammatory handbills posted on the walls throughout the city. The Lord Mayor elect was so alarmed by these and by other indications reported to him, that he wrote a letter to the Duke apprising him of the danger to which there was reason to fear he might be exposed, and advised him to come to the banquet under

the protection of an armed escort. In consequence of this information two successive cabinet councils were held, one of which lasted till midnight. Communications were opened, and continued through a whole day between the home department and the government of the city, and late in the evening of the seventh of November, the committee of arrangements for the banquet deemed it their duty to give publicity to a letter received at nine o'clock of the same evening by the Lord Mayor from the secretary of state, Mr Peel, of which the following is a copy.

WHITEHALL, NOV. 7.

‘MY LORD, — I am commanded by the king to inform your lordship, that his majesty’s confidential servants have felt it to be their duty to advise the king to postpone the visit which their majesties intended to pay to the city of London on Tuesday next.

From information which has been recently received, there is reason to apprehend, that notwithstanding the devoted loyalty and affection borne to his majesty by the citizens of London, advantage would be taken of an occasion which must necessarily assemble a vast number of persons by night to create tumult and confusion, and thereby to endanger the properties and the lives of his majesty’s subjects.

It would be a source of deep and lasting concern to their majesties were any calamity to occur on the occasion of their visit to the city of London, and their majesties have therefore resolved, though not without the greatest reluctance

and regret, to forego, for the present, the satisfaction which that visit would have afforded to their majesties.

I have the honor to be,

My Lord, your ob't. serv't

ROBERT PEEL.

The Right Hon., the Lord Mayor.

This letter, it will be perceived, takes no notice whatever, of the real danger, of which the Lord Mayor elect had apprized the Duke of Wellington — an attack upon his own person. It cannot reasonably be doubted, that this danger was real. But it was probably not of a general character, nor menacing so much to the properties and lives of his Majesty's subjects, as to the person of the Duke. The exasperation of the populace was at that precise moment so great against him, on account of his recent peremptory declaration against reform, that it is not unlikely if he had gone unprotected in the royal procession, he would not have returned alive. That the hero of so many bloody days, the conqueror who had received thirteen times the thanks of both Houses of Parliament for vanquishing the enemies of his country, should shrink from attendance at a royal banquet in the metropolis of the realm from the terror of being torn to pieces by an infuriated rabble, is among the phenomena of the times which for the credit of human nature we would readily disbelieve, but that nothing less than an imminent danger of life would have induced him to endure this unparalleled mortification of consenting to the postponement of the

royal visit to the city, to save *him* from the brutality of the mob, carries its evidence in the nature of the transaction itself.

But as the real danger which had been notified by the letter of the Lord Mayor elect, to the Duke, was masked in the letter from Sir Robert Peel to the Lord Mayor, by the substitution of another and a very different danger, the panic of the Ministry, thus communicated to the public mind, assumed yet another form, and nothing less than a Guy Fawkes gun-powder plot, to blow up King, Lords, and Commons at a blast, was supposed for a moment to have been detected, and alarm and terror took possession of the whole city. — Not only was the royal banquet postponed, but the ordinary and immemorial celebration of the Lord Mayor's Day, with its pompous procession, and its festive dinner were pretermitted — the public funds fell four per cent in one day. The people of London were disappointed of their holiday — the shopkeepers of the profits of their front windows; the tradesmen of their quickened circulation of sales, and all were in a fearful looking for, of some tremendous explosion.

The next morning occasion was taken from it for a spirited assault upon the ministry in both Houses of Parliament. They were called upon to assign the causes of this great and sudden manifestation of royal alarm. No evidence of a plot or conspiracy threatening the properties or the lives of his Majesty's subjects, nor yet against his Majesty's Government

or person, could be alluded — the only document of terrific import they could bring forward was the private letter of Alderman Key the Lord Mayor elect to the Duke of Wellington, advising him of the danger to which his person might be exposed if he should come without an armed escort, in the procession with the King. That the victor of Assai's bloody plain, and the vanquisher of Napoleon at Waterloo should flinch from the exposure of his person amid the multitudes of his own countrymen, following his king to the joyous gratulations of the people upon his accession to the throne was an attitude, mortifying enough to the hero — and portentous of downfall to the Prime Minister of State. Meetings were immediately convened of the corporate city authorities, the Common Council and Court of Aldermen, at which a vigorous inquiry and examination was instituted into the causes of this extraordinary ministerial fit of vapors. The fears of Alderman Key, who acknowledged he had written the letter, were derided as visionary, and he and the Duke of Wellington were jointly and severally turned over to the Pie-powder court of caricaturists and ballad-singers.

On that same day it was the fortune of the Ministers to bring forward the first of the measures which could test their strength in the new parliament. The plan for the settlement of the civil list — that is, of annual public income to be settled upon the King.

It was presented by the Chancellor of the Exchequer, Mr

Goulburn. The civil list is, in plain English, the salary, or as in this country we should call it, the annual *compensation* of the king. It has usually, since the accession of the Hanoverian family, been settled by parliament upon each king for life, immediately after his accession to the crown. It is a provision not merely for the personal and household expense of the king ; but includes many items of a character altogether national. Such for example as the salaries and support of ambassadors and ministers to foreign powers. The establishment of the civil list distinct from the other charges of the state was created by the first of Queen Anne, chap. 7, March, 1701. But neither the amount of the sum thus granted, nor the modes of levying the money, nor the objects of expenditure provided for by them have been uniform. There had been sometimes grants of hereditary revenues to the crown, and there were revenues of like character accruing from rents of crown land, and also from the Duchies of Cornwall and Lancaster, and from the county palatine of Chester. These were dignities held separately from that of the royal crown, and produced an income usually considered as the private property of the King. The annual amount of the grants which constituted the civil list, had at first been from six to seven hundred thousand pounds sterling, but it had been gradually increasing at the accession of every king, and found encumbered with a considerable debt, at the close of every reign.

During the long reign of George the Third there had been at different times, different parliamentary dispositions of the civil list. It had been fixed at first at an average of about eight hundred thousand pounds, but constantly contracting debts for which supplementary provisions had been found necessary. In presenting his bill the Chancellor of the Exchequer had estimated the civil list as settled upon George the Fourth at 1,221,600 pounds sterling — from which a deduction was to be made of charges for which he proposed to provide, leaving one million and fiftysix thousand pounds, as the object for comparison with that which he was to propose. This was an annuity of 970,000 pounds ; and thus a reduction of eightyfive thousand pounds, upon the civil list of the preceding reign.

The first entanglement in which the ministry became involved, upon this statement was by the disclosure elicited in debate, that the surrender of the hereditary resources so emphatically announced in the royal speech was not intended to include the hereditary revenues of the Duchies — and when this explanation was extorted from the minister, a laboring and learned argument to prove that the revenues of the Duke of Lancaster and Cornwall were not the revenues of the Crown of England, did not satisfactorily answer the charge that the ministers had put into the mouth of his majesty a promise of disinterested generosity more extensive than he was ready or willing to perform. The distinc-

tion between the royal and ducal titles in the same person, had fifty years before been consigned to ridicule by the imperishable eloquence of Edmund Burke in his speech upon economical reform, and the revival of it now in grave debate to curtail the ostentatious generosity of the king, gave it an air at once of craftiness and ill faith, bargaining by an ostensible gratuity for a profusion of allowance in the civil list.

The statements of the Chancellor of the Exchequer were all presented in the fairest points of view to induce the belief that a great reduction of expenditure would be the result of his plans, and he expressly alleged the surrender of the hereditary revenues, as imposing upon Parliament the obligation of liberality in the grant to the crown. But the statements were controverted. The whole amount of the hereditary duties surrendered, was proved by Mr Hume not to exceed twentyfour thousand pounds. The classifications of expenditure on the ministerial plan were denounced as incorrect and the plan itself as unintelligible, fallacious, and extravagant. The debate was adjourned over to Monday, the 15th of November, and then renewed with invigorated opposition. A motion was finally made by Sir Henry Parnell for the appointment of a committee of inquiry, not to examine witnesses, or to call for persons and papers, but to verify the statements of the minister. The result of this motion, which succeeded, though in form amounting merely to a com-

mittee of inquiry to verify a statement of estimates, was in substance equivalent to a declaration that the ministry had lost the confidence of the House of Commons and was so understood by the Duke of Wellington and his colleagues. It was carried by a majority of 233 against 204 — a majority in a very full house of 29 against the ministers. The next morning, the Duke of Wellington in the House of Peers, and Mr Peel, the ministerial leader in the Commons, announced that they had tendered to the king the resignation of their offices, which had been accepted. All important parliamentary business was of course suspended till the new administration should be completed.

In the interval between the commencement of the debate upon the civil list, and its termination, Mr Herries introduced in the House of Commons the new schedule of duties upon the trade between the United States of America and the British Colonies in America. Upon which occasion he took credit to the ministry for their exemplification in this case, of the principle which Mr Huskisson had avowed, as fundamental to the commercial policy of Great Britain — not only of promoting her interest, but of depressing that of her rival. Upon one of the items, that of one shilling and two pence, on every quarter of corn imported from the United States to the West Indies, a division took place of 136 in favor of the duty to 36 against it. The bill was introduced to secure for British navi-

gation in this intercourse the whole benefit of carrying the article imported from the United States into the West Indies; an advantage which the minister expected to derive from the arrangement recently made on that subject with the American Government. On the 15th of November, the day of the vote against the ministry upon the civil list in the House of Commons, the Lord Chancellor Lyndhurst brought into the House of Peers the bill for the contingent establishment of a Regency, in the event of the accession to the throne of the Princess Victoria, daughter of the deceased Duke of Kent, presumptive heiress to the crown, before she should attain the age of 18 years.

And thus terminated the administration of the Duke of Wellington, after a turbulent existence of little less than three years — among the singularities of which is that the only act which will signalize it for the approbation of posterity, is an act of political apostacy from his own principles.

The experience of all ages and of every region of the globe has proved that the principle of gravitation in physical nature is not more universal, than that of military achievement and renown to the government of the state —

Le premier qui fut Roi, fut un Soldat heureux —

many of the most important qualifications for a commander of armies, are equally necessary to the ruler of nations, and the common judgment of mankind which always moves in masses, never fails to conclude that victory in

the field, is the infallible test of wisdom in council. This inference has not always been confirmed by subsequent events, and military chieftains have not always proved the wisest or the best of civil governors. The Duke of Wellington, bred from childhood a soldier, and having passed through a military career of unrivalled splendor, or at least, success, had himself declared the consciousness of his own incompetency to the chief management of the affairs of the nation, within one short year before he had undertaken it. The opinion of his incompetency was not confined to himself. It was shared by all the distinguished statesmen of the realm, of all parties, but not by the great body of the people. — He had received a liberal education at Eton school; had held many important civil offices; had conducted for a series of years the most important negotiations, and as a member of preceding administrations, and of both Houses of Parliament had the most familiar acquaintance with all the great concerns of the country, with all the forms of proceeding in the national councils, and all the principles upon which the government had for a long series of years been administered. The people could not believe that such a man was incompetent to hold the reins of Empire. He received them from the hands of Lord Goderich, voluntarily surrendered by him, as unmanageable by mere plain good sense and honest intentions. The quality which had appeared to be most deficient in his administration was

energy, and of that the Duke of Wellington had a Benjamin's portion. In the conduct of public affairs, this quality is as indispensable in peace as in war. In both it may sometimes for a considerable period supply the place of discretion, but whoever at the head of the nation, relies upon it entirely will, as was said by his brother the Marquis of Wellesley of Napoleon, *prepare for himself great reverses.*

Military command, essentially consists in the unobstructed exercise of the *will*, over the action of others. The tendency of successful command, is to inspire disproportionate self confidence, and impatience of control. It produces a disposition to underrate the value of council, and sometimes an indisposition to receive it. Frederick the Great laid it down as a maxim, that a General who wishes to do nothing has only to call a council of war. Decision is the most efficient quality for the gain of battles, and when it has often been exerted with great success, it leads to an under estimate of deliberation, and an irksomeness at receiving advice. In the selection of his associates for the discharge of civil trusts, a military commander will, therefore, be apt to prefer subaltern to pre-eminent talents, and subserviency to his will, rather than a bold spirit and independent judgment. Such was the character of the Duke of Wellington's administration. The scantiness of talent among his colleagues was a subject of general remark, and their submission to his will was not less conspicuous

than their inability by the process of their understandings to form and sustain one of their own. — This domineering temper was manifested throughout his whole ministerial career, and never more emphatically than in the peremptory declaration against parliamentary reform, which brought it to a close.

To the general deficiency of talents in the Duke's administration, an exception must be made in behalf of Sir Robert Peel, definitively its leader in the House of Commons, a man far more competent for the head of a ministry than the Duke himself. — There was for some time another exception in the person of Mr Huskisson, of whom, probably for that very reason, the Duke disembarrassed himself with as little of ceremony in point of form, as of delicacy in substance. In the correspondence which accompanied his expulsion from the ministry, the trampling of a more resolute purpose upon a more intelligent mind was exhibited in glaring light. The melancholy death of Mr Huskisson preceded only by a few months the Duke's ministerial downfall; and if his spirit could then retain any portion of earthly resentment, and had any consciousness of the latter event, it might be soothed by the recollection that it was his vote upon the disfranchisement of East-Retford, involving the question of parliamentary reform, which the Duke's political intolerance had punished by driving him from the highest councils of his country.

On receiving the resignations of the Duke of Wellington and of

Sir Robert Peel, the king asked them separately to whom he should apply to form a new ministry, and they both recommended Earl Grey. He was accordingly sent for at 5 o'clock on the 16th and received the royal command to form a cabinet — the king declaring that the Duke of Wellington had his undivided confidence when minister, and that it would equally without reserve be transferred to his successor. This declaration was well received by the public, and contributed largely to increase the personal popularity of the king. As an exemplification of the individual nullity of a king of England in the administration of public affairs it is remarkable. A transfer of unqualified confidence from a tory to a whig ministry, produced by a single vote for inquiry of the House of Commons upon a bill for the establishment of the civil list, if the king were in any case responsible for his political principles would indicate little steadfastness of character. The king as Duke of Clarence had been an uncompromising tory, from the first explosion of the French Revolution. So sudden and total a change of principle, not merely with regard to a single measure like that of Catholic emancipation, but to a whole system of policy for the management of the affairs of the kingdom at home and abroad, would not have been tolerated in any responsible individual. In the king it was generally approved as an act of signal homage to the principles of the Constitution.

The new Ministry was an-

nounced on the 23d of November, composed as follows :

First Lord of the Treasury, Earl Grey.
Lord Chancellor of England, Lord Brougham and Vaux.

Secretary of State Foreign Department, Viscount Palmerston.

Secretary of State Home Department, Viscount Melbourne.

Secretary of State Colonial Department, Viscount Goderich.

President of the Council, Marquis of Lansdowne.

Lord Privy Seal, Baron Durham.

President of the Board of Control, Charles Grant.

President of the Board of Trade and Master of the Mint, Lord Auckland.

Chancellor of the Exchequer, Lord Althorpe.

First Lord of the Admiralty, Sir James Graham.

Chancellor of the Duchy of Lancaster, Lord Holland.

Postmaster General, Duke of Richmond.

SUBORDINATE APPOINTMENTS.

Lord Chamberlain, Duke of Devonshire.

Secretary of War, C. W. Wynne.

Commander in Chief of the Army, Lord Hill.

Chief Commissioner of Woods and Forests, Agar Ellis.

Master General of the Ordnance, Lieut. General Sir Edward Paget.

Lord Lieutenant of Ireland, Marquis of Anglesey.

Chief Secretary for Ireland, Mr Stanley.

Attorney General, Sir Thomas Denman.

Judge Advocate General, R. Grant.

Solicitor General, Sir W. Home.

Lord Chancellor of Ireland, Lord Plunkett,

Vice President of the Board of Trade, Poulet Thompson.

Attorney General of Ireland, Mr Pennefather.

Paymaster of the Forces, Lord John Russell.

Surveyor General to the Board of Ordnance, Sir Robert Spencer,

In this list we find Mr Henry Brougham, transformed into Lord Brougham and Vaux, Lord Chancellor of England. The metamorphosis was not effected without some difficulty. He had come into the new Parliament, with highly augmented consideration, as a member for Yorkshire.

His warfare during the interval between the two Parliaments against the ministry had been incessant, and he had come full charged with projects of parliamentary reform, and for the abolition of slavery in the British Colonies. His attack upon the administration, in the first debate on the address in answer to the royal speech, had been vigorous and impressive, and the overthrow of the ministry had been attributed more to him than to any other man. It was foreseen that while he remained in the House of Commons, no administration could be safe without his aid, and it had been supposed that this could be obtained upon more moderate terms than it was found his own estimate of his importance required. Before the change of ministry had taken place, he had given notice of an intended motion for Reform of Parliament, and when the resignation of the ministers was announced by Sir Robert Peel in the House of Commons, upon the postponement, with other business, of his motion, Mr Brougham said that *as no change of ministry could affect HIM*, he should certainly call up his motion, on the 25th. On the 23d he took his seat upon the Woolsack as Lord Chancellor, much to the surprise of the new opposition, and of the public, and not without severe animadversion. It was understood that Earl Grey would have preferred to retain him as the ministerial leader in the House of Commons, but that Mr Brougham could not be retained. The peerage and the Woolsack, were a *sine qua non*

to him, and he received all approaches of the new Premier with a lofty indifference, intimating significantly that he might not without hesitation accept the Peerage and the Chancery as equivalent for the representation of Yorkshire. These scruples were however not of long continuance; for on the 22d a patent of Peerage was made out, and the next day he presided in the House of Lords.

Earl Grey, upon presenting himself to that House as the head of the new administration, made a speech in which he declared that the principles of his government should be economy and retrenchment at home; non-intercourse with the internal affairs of other nations; and a Reform of Parliament in the House of Commons. These were now the *popular* doctrines of the British nation.

Thenceforward, a new system of government was to direct the fortunes and regulate the affairs of the British Empire. — But retrenchment and economy had been the avowed purpose of the preceding and indeed of all preceding administrations; even of the most extravagant and profuse. At one of the most wasteful periods of British history, when the annual provision for fifty millions sterling of expenditure was called for, from Parliament, a member of the ministerial board solemnly declared to the House of Commons that the Government never spent a shilling without looking at both sides of it. A standing theme and hackneyed boast of the royal speeches to Parliament was economy; and the common effort of the ministers,

from time immemorial, has been to find out some paltry superfluity to curtail, and to blazon it forth as a sinking fund to the national debt.

The retrenchments of Earl Grey will not materially differ from those of his predecessors, and as economy is always a relative term, resting not upon the *amount* of expenses but upon the circumstances and means of the expending party upon the collateral condition of others and upon the manners, fashions and customs of the times, he like others has found it more easy to promise in Parliament than to introduce it into the complex machinery of the Executive Government. The disclaimer of all interference in the internal affairs of other States is also a principle subject to much qualification. If by speaking of the king's endeavors to *restore* good government in the Netherlands the Duke of Wellington had intended to announce the determination to restore the dominion of the House of Orange in the Belgian Provinces, it was certain that object would not be further pursued under the Administration of Earl Grey — but the protocols of the five powers at London have too often and too imperiously dictated to the people of Belgium their own destinies to be rigorously reconcilable with the principle of non-intervention. The undoubted desire both of the Belgian and of the French people was the re-annexation of Belgium to France. It was also the unquestionable *interest* of both. — Belgium is geographically part of France as much as the Depart-

ment of the Seine. The language, the religion, the manners and customs of Belgium are French. Every political and moral consideration, that can influence the minds of the people points to their re-union with France, and they have felt and acted accordingly. They at first frankly solicited that re-union, but the Protocol of the five powers fulminated an interdict upon that. They next chose the Duke de Nemours for their king, and Louis Philippe under the rescript of the five Powers pronounces a prohibition upon that. Lastly, by dint of mere overbearing importunity, the five Powers prescribe Prince Leopold of Saxe Coburg, whose only earthly qualifications for the office were that he had been the husband of the Princess Charlotte, and was a British pensioner, to the Belgian People for their King. This Prince whom the five Powers appear to have considered as a *Passe-partout* of a kingdom — a standing *Raffler* for royal crowns, had acquired some reputation for good sense, by perceiving that he was utterly unfit for the office of King of Greece; but he lost it all again by accepting the crown of Belgium, by the election of the five Powers through the constrained suffrages of the Belgian Congress. He accepted the Crown and took the command of the Belgian army, who, as might have been expected under such a leader, at the first sight of the enemy fled for their lives; and then, as if to cap the climax of absurdity in the proceedings of the dictatorial protocols, a French army step in to

rescue the fruits of his victory from the King of Holland, and the Belgians from his impending vengeance.

All this has been done under the auspices of Earl Grey, and since his proclamation of the principle of non-intervention for a governing maxim of his administration.

His project of parliamentary reform remains. This was now for the first time declared to be the deliberate purpose of the government itself. And this may be considered as a new era in the history of the British Islands. It must be obvious to every one that a reform of the popular representation in the House of Commons, and an abridged duration of Parliaments, are of little importance in themselves, compared with the consequences to which they tend. Its first effect must undoubtedly be a great accession of relative strength to the democratic branch of the Government, and a redoubled impetus to the power of public opinion. Whether this advantage will be purchased by the loss of stability in the continued agency of the ruling power — whether the spirit of reform once firmly seated in Saint Stephen's chapel, will submit to the restraints upon its own action hitherto deemed salutary, or restrain itself within the bounds of moderation, is to be disclosed hereafter. A reformed House of Commons adds not one kernel of wheat to the harvests of the land — it feeds no paupers — it pays no tithes — it leaves the national debt with its intolerable burdens as it was before. Burdens under

which a represented people will not be silent.

The elevation of the new ministry to power was so sudden, and the principles declared by Earl Grey to be the basis of his administration were so widely different from those which until then had prevailed, that time was obviously necessary for preparing and maturing his plans, as well of retrenchment and economy as of reform. Those of the ministers who were selected from the House of Commons, by accepting offices from the crown, vacated their seats; and although re-eligible, were necessarily absent from the House until returned again. Nothing of importance was transacted except the passage of the Regency Bill before the Christmas holidays, and on the 23d of December Parliament adjourned over to the 3d of January of the ensuing year.

In the meantime the condition of the kingdom afforded but a sorry commentary upon the boast in the royal speech at the opening of the session, that the English people 'enjoyed more of all that constitutes social happiness, than has fallen to the lot of any other country in the world.' At the very moment when these words were spoken, organized bands of famished farmers were ranging round twenty counties of England, and almost within hearing of the royal voice, breaking all the agricultural machinery they could lay their hands on, and consuming cornricks, haystacks, barns and dwelling houses with fire. The distress,

which has been depicted as we have seen in such glowing colors in the numerous petitions to the former Parliament, continued with increasing aggravation; and the disorders, fore-announced in some of those petitions, had broken out with great fury. The constant and regular operation of the national debt, and its oppressive taxation, aggravated by that of the tithes, had, as we have observed, divided the nation into three great masses of population; one with overgrown wealth — one of paupers unable to obtain subsistence by their labor; and an intermediate class just above indigence, but gradually sinking into and swelling the number of the totally destitute division. The landed property of the kingdom has at the same time, and by the operation of the same causes undergone a corresponding mutation. The small farmers have been obliged to sell their estates, to hold them as tenants upon rent. Time was in England, says Goldsmith, when 'every rood of ground maintained its man.' There are now no small freeholders in England. The race is as completely extinct, as that of the Squire Westons of Fielding. The landed estates are principalities — leased at heavy rents and cultivated by poor laborers at wages barely sufficient for their subsistence. The invention of labor-saving machinery throws vast numbers of these out of employment, and then they fall upon the parish. The burden of the poor rates increases with the number of the poor. The quantum of allowance

to these being discretionary with the overseers, was reduced to the very borders of famine, and the result was to gather in every parish multitudes of able bodied men almost starving, idle for want of employment, associating together under the pressure of common wants, instigated to violence by a sense of injustice in the opulent landholders around them, and stimulated to fury against the machinery, which by removing the necessity for their labor took the bread from their mouths. In the County of Kent, great bodies of them had assembled to break agricultural machinery, and to compel the farmers, proprietors and magistrates to raise the rate of wages, while incendiaries had set fire to stack-yards and farm-houses. A general combination seems to have been formed among them, the objects of which were: 1. To destroy the labor-saving machinery. 2. To force the farmers to give them constant employment. 3. To raise their wages — and for the attainment of their objects, there was a double system of operations, partly public and partly secret. The combinations for the destruction of machinery, and forcing employment, were open and undisguised. The incendiary practices were secret. On the 29th of August, at Hardres in Kent, four hundred agricultural laborers destroyed all the threshing machines in that neighborhood. Towards the middle of September, two meetings of magistrates, and one of farmers, were held, at which resolutions were passed for suppressing these disorders, and a reward

of five hundred pounds was offered for the conviction of the ring-leaders in these transactions. The rioters committed no other depredations of property; but broke up the machinery, or compelled the owners to break it up themselves. Where they failed of this they burnt the barns and wheat stacks. Individuals received by post letters signed by the signal word *Swing*, threatening the destruction of their houses and barns by fire, and the execution failed not to follow upon the threat. The same portentous word appeared written in chalk on all the walls of Dover, and for several miles on the road to Canterbury. Nine of the machine breakers were tried, and six of them were convicted at the Sessions of East Kent; they were sentenced to three days' confinement and hard labor, after which the burnings and destruction only became more extensive and more frequent. At Lenham, two hundred of the rioters, assembled for the avowed purpose of destroying machinery, met and parleyed with the Earl of Winchelsea. They heard him patiently, and declared that want of work was the sole cause of their straying from their homes, and that they had not the means of procuring food for themselves or their starving families.

At Guestling, near Hastings, the paupers held a meeting and gave notice to the heads of the parish to attend. About a hundred and twenty laborers were assembled; their demand was a rise of wages to 2s. 3d. a day in winter, and 2s. 6d. in summer. The clergyman, whose demand

upon the parish had been raised to 800*l.* a year, was required immediately to give up 500*l.* a year to their employers in order to enable them to comply with their demands; a requisition to which he immediately agreed.

From Kent the work of destruction rapidly spread into the adjoining Counties, and nightly fires were seen blazing in Sussex, Surry. Hampshire, Oxfordshire, Wiltshire, Berkshire, Buckingham, Hertford, Bedford, Northampton, Huntingdon, Cambridge, Suffolk, Norfolk, Lincoln, and even in some of the northern counties. The exertions of the magistrates to discover the incendiaries were unavailing. Several persons were arrested upon suspicion and discharged for want of evidence to convict them. The destruction of the machinery was effected in broad day, by parish paupers, who assembled in bands; visited the dwelling houses of the farmers, and sometimes formally sent deputations to demand the keys of the corn houses in which the obnoxious threshing machines were kept. But their movements were regulated by hands unseen, of higher intellectual powers. The letters signed 'Swing,' were conveyed with impenetrable secrecy to the persons addressed, and the inevitable destruction by which they were followed gave them almost the inexpressible terror of a supernatural visitation. In some cases an explosion resembling the report of a gun immediately preceded the bursting out into flames of the stacks and barns. The fires therefore could be accounted for only by the sup-

position that they were kindled by chemical preparations, thrown into them by persons in concert with the laborers — of these the usual mode of proceeding was to call a meeting of farmers, and meet them, in numbers from two to six hundred, and sometimes many more — and then they presented their list of grievances, and demanded employment and wages at the rates above mentioned. In some instances they were successfully resisted, but in general the farmers were obliged to comply with their demands. At Avington House, the seat of the Duke of Buckingham, the inhabitants of three villages came in a mass were sworn in as special constables, and kept watch round the house for three successive nights. The same thing was done near Winchester, and in the neighborhood of Hanburg. The inhabitants of Brompton, led by their clergyman, met the rioters and overpowered them, taking their ringleader and ten of his companions into custody. Military aid was in several cases called in. A conflict between the Hindon troop of cavalry and a body of more than 500 rioters in Wiltshire, terminated by a charge in which several were wounded, and one man was killed. At Ringmer, Chichester, Eastbourne, Lamborhurst and numerous other places, the farmers saved their families and their property only by complying, or by compounding with the demands for employment and increased wages.

Of these fires there were, in the space of four months, upwards of one hundred and twenty, at

each of which the destruction and loss of property cannot be estimated at less than an average of one thousand pounds sterling to each fire; the destruction of machinery included. There was no political principle connected with these disorders; no demand for Reform of Parliament; no clamor against the aristocracy, nor even against the payment of tithes, was heard among them. It was the cry of famine for bread. The onset of hunger, breaking down stone walls. It was the last result of extreme taxation; of which an enormously disproportionate national debt is the cause, and no mathematical proposition can be more clearly demonstrated than, that until the cause is removed there can be no permanent pacification of these disorders.

Under the influence of the panic excited by these assemblages and of the outrages committed by them, the magistrates upon whom they called to meet and confer with them, gave in several of the counties, their sanction to the engagements which they extorted from the farmers of increased wages, constant employment, and the discontinuance of the use of machinery. This momentary remedy served only to aggravate the disease. The Marquis of Lansdowne, Secretary of State for the home department, issued on the 8th of December a circular, explaining to the county magistrates their legal inability to make such arrangements and pointing out the pernicious tendency of acts grounded upon such principles. — ‘The magistrates,’ he observed, ‘had no power to

fix the amount of wages; and any interference in such a matter could only have the effect of exciting expectations which must be disappointed and of ultimately producing, in an aggravated degree, a renewed spirit of discontent and insubordination.’

It requires no argument to prove that in a land of freedom, the magistrates of a county can as little possess the authority to compel individual farmers to employ more workmen than they need, or to pay them higher wages, than by voluntary consent they stipulate, or to abstain from the use of labor saving machinery, as a riotous assemblage of starving laborers. The moment the freedom of the will is taken away from operations such as these, the relations of society are changed, and the community becomes an association not of freemen governed by equal laws, but of masters and slaves under the dominion of arbitrary power. But the oppression upon the farmer under such compulsion may be further illustrated by its necessary consequences. He holds the farm upon a lease for which he is to pay rent to his landlord. The amount of that rent must be calculated upon the prospective product of the land, deducting all the necessary charges of cultivation and leaving a profit to the farmer sufficient for his own subsistence, and that of his family. The use of machinery, reduces the charge of expense for labor. The rate of wages serves him as a rate to calculate the expense of tillage and the amount of rent that he can afford to pay. Deprive him of

his machinery, force him to employ double the number of workmen that he needs, and to pay them double the amount of wages to the rates which the market would command, and you rob him of all the profits of his labor, you deprive him of the ability to fulfil his engagement with his landlord. The rent day comes with a *distress*. The farmer is ruined, and the landlord remains unpaid. He too has his engagements, which the loss of his rents disable him from fulfilling, and among them are the grinding taxes payable to the government; these press him down into insolvency, and react again to depress the value of land. Thus ruin spreads over the whole country, and the people become prepared for any revolution. On the other hand, a system of policy, the result of which is to congregate in great numbers, a mass of population in idleness and want, without occupation and without subsistence must be essentially vicious; no external air of prosperity can disguise the essential wretchedness of a nation in such a condition, no reform of Parliament can reach this evil. It is susceptible only of one remedy and that is, relief from excessive taxation.

Besides the employment of military force to suppress these disorders, and the admonition to the magistrates of their incapacity to establish a compulsive rate of wages between the farmers and laborers, the government appointed two special commissions, one on the western and another on the midland circuit, for the trial of the numerous prisoners apprehended

in the commission of these daring outrages. One of these commissions was opened at Winchester on the 20th and the other at Reading on the 27th of December. Three hundred prisoners were tried by the commission at Winchester, six of whom were sentenced to death and eightyeight to transportation for life or for terms of years, after which the commission proceeded to the trial of nearly an equal number of offenders at Salisbury. At Reading one hundred and thirtyeight of the rioters were tried and all sentenced to transportation except two, who were capitally convicted. Thence the same commission proceeded to Aylesbury for the trial of the prisoners apprehended in the county of Bucks.

The immediate effect of these commissions was to shorten the imprisonment of the offenders, who must otherwise have waited for their trial, at the assizes in the following spring; this abridgment, besides relieving the prisoners themselves from the anxieties and agitations of a long term of imprisonment, had a tendency to quiet the alarm and terror of their families and relatives, and to tranquillize the parishes and villages to which they belonged. They afforded the opportunity for a solemn and public exposition of the law, by the judges; of convincing the laboring classes that their condition could not be bettered by such tumultuous and riotous proceedings, and the magistrates that no compliances on their part, with the dictation of a lawless multitude was within the

compass of their authority or could become obligatory by their sanction. A more important result of the trials was the collection and exhibition of a mass of evidence on the moral condition and physical sufferings of the agricultural laborers and working classes connected with the cultivation of the soil, more impressive than could be obtained by petitions to Parliament or reports of committees of inquiry upon the operation of the poor laws and the corn laws. The intellectual condition of the classes of people reduced to such extremities had never formed a subject of parliamentary inquiry. — It was displayed in the evidence upon these trials, by demonstration which could not be mistaken. The greater part of the prisoners were so utterly ignorant of the law, that they had no conception they were infringing it by breaking up threshing machines, by insisting upon constant employment from the farmers, or by exacting from them wages adequate to the comfortable subsistence of themselves and their families. The distinction which they made between the destruction and the robbery of property had, perhaps, some foundation in the law of nature; and even the nightly fires which spread terror and desolation over a whole region of country, were kindled by a semblance of public spirit, which seemed in their eyes to be patriotism. The instances of depredation or plunder were rare — those of deliberate personal injury still more so. There was nothing ferocious, nothing cruel, in the

most desperate of their proceedings; and even in kindling the fires which consumed the fruits of the harvests and the dwellings of their owners, they appear to have been impelled by no stimulant of malice or animosity against individuals.

By what system of reasoning they had been brought to the practical exercise of such a theory with regard to the rights of property, perhaps it might not be possible to discover, but the proceedings of the special commissions could not fail to undeceive them. In the conflicts between the rioters and the military forces brought out against them, it does not appear that more than one of them lost his life, but the execution of a small number of incendiaries and the transportation of several hundreds of the frame breakers, soon brought their associates to a juster sense both of the substance and the power of the laws and in the course of a few weeks tranquillity and peace, at least apparent and temporary, was restored to the disordered districts.

The sessions of the commissions continued into the year succeeding that of which we now close the account. Here for the present we rest. The year 1830 will long be memorable in the annals of England, of Europe, of Christendom, memorable for the recoil of freedom upon her oppressors — memorable for the triumph of the revolutionary principle, not less over the sanguinary spirit of anarchy, than over the iron yoke of military power and renown. Three days of spontaneous and unorganized popular

resistance 'toppled down headlong,' for the third and it is to be hoped last time, the 'elder Branch of the House of Bourbon.' Blood was shed to achieve the victory, but none in the triumph. The first example of moderation and mercy, has been exhibited in the conflict between kings and people, on the *popular* side. Charles X., detected in the very act of complicated perjury to his royal oath, and of usurpation upon the rights of his people, has been expelled, but suffered to live; the Ministers by whom he was counselled, more culpable even than himself, have been saved from vindictive fury, monuments of magnanimous forbearance in an exasperated people. In England, the revolution has been entirely bloodless. The result not of popular commotion, but of public opinion matured by the irresistible progress of reason against thrones, dominations, principedoms and powers. The changes in England have yet assumed only the mild and placid aspect of reform. But by many, even of the benevolent and the wise, reform is dreaded as the herald and precursor of revolution; of sanguinary revolution, subversive of all social order, and destructive to all religion. Let us hope better things. When the feudal monarchy of France fell in 1789 before the republican spirit of the age and the principles of North American Independence, it was soon discovered that it could not fall alone. It sounded the hour of all the feudal institutions of Europe. But what the spirit of evil is competent to destroy, the spirit

of good alone can create. After twentyfive years of exterminating wars, and the overthrow of almost all the ancient institutions in Europe, all the wisdom and all the power of the European many could accomplish no more than to patch up the tatters of old feudal monarchy with the modern rags of popular representation. And in restoring Louis XVIII. to the throne the only compromise which they could effect between ancient prejudice and new principle was, to allow him to date the commencement of his reign twenty years in arrear, and to oblige him to grant by a charter to his people, a semblance of popular representation in the legislature. Twentyfive years of bloody experience had taught the rulers of the old monarchies of Europe nothing but a tenfold horror of innovation. The Inquisition and the Jesuits were restored with the monarchies, and the charters were yielded to the necessities of the time, only to be undermined or overthrown as the favorable opportunity might occur. Candor constrains us to acknowledge that for the reconstruction of the social edifice the reformers have been as feeble and inefficient as the adherents to the dilapidated institutions of antiquity have been stubborn and unteachable. Of all the constitutions fabricated during the revolutionary period in France, in Spain, in Portugal, not one has proved able to sustain itself for a term of seven years. The events of the last half century have formed multitudes of consummate military chieftains — multitudes of eloquent orators, multitudes of

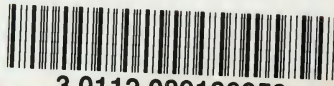
eminent statemen. A legislator has not yet been found. The only man of legislative mind, which Europe has produced in the age now departing, was Edmund Burke, and his genius took the direction of sustaining ancient institutions, and rejected that of devising and maturing new ones. Whether it was even equal to this may be doubted — certain it is, that neither his age nor his country were prepared to receive that which he might perhaps have been competent to produce and to combine. Now, far more than when he lived is the time, when the Island of Albion needs a legisla-

tor, a mind not of the modern stamp, but a Solon, a Lycurgus, a Numa. A legislator for herself, disencumbered of her sister Island, which also needs a legislator of her own. In closing with this reflection we cast our eyes over the catalogue of the Whig and Tory statesmen now figuring upon her political theatre, and all is desolate and barren. Instead of a Solon, a Lycurgus or a Numa, we see nothing but men of diminutive intellectual stature, the summit of whose ambition it is to pass with their own and after ages, for
BRITISH STATEMEN.

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